84-1110

In the Supreme Court of the United States

OCTOBER TERM, 1983

No. _____

LOWELL M. STROOM,

Petitioner,

v.

JAMES E. CARTER, formerly President of the United States; WALTER F. MONDALE, formerly Vice-President of the United States; RONALD REAGAN, 1980 Presidential Candidate; GEORGE H. W. BUSH, 1980 Vice-Presidential Candidate; STROM THURMOND, President Pro Temp and principal officer of the U.S. Senate; THOMAS P. O'NEILL, Speaker of the U.S. House of Representatives; AMBASSADORS AND APPOINTED U.S. EXECUTIVE DEPARTMENT OFFICERS, unnamed; THE STATES OF ALABAMA, ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, and all other states F through W

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Lowell M. Stroom, Pro Se
123 South 39th Street
Philadelphia
Pennsylvania 19104
(215) 925-0397

QUESTIONS PRESENTED

1. Whether all election law which was applied to the 1980 Presidential Elections, as evidenced by the results of those Elections and the laws applied, so denied the rights of U. S. citizens in Presidential Elections, as secured by Article II and Amendments XII, XIV, and XX, and so denied the laws of the U. S. Constitution of their supremacy, as to be Elections which are unconstitutional and invalid.

2. Whether, as an intervening matter, all Presidential Elections provided by the States in 1984, are also invalid and unconstitutional, for being insufficient, inequitable, and lacking in genuineness, so as to deny U. S. citizens of their Constitutional rights.

3. Whether the 1980 Presidential Elections were invalid for having

participation by an Electoral College whose members were selected on some basis other than that which is made mandatory by Article II and Amendment XII of the United States Constitution.

4. Whether the fifty states "enforced or enacted" laws which were effective in the 1980 Presidential Elections, in violation of Amendment XIV, when state election statute law did by intent and by effect, deny rights of U. S. citizens and the Petitioner, as those rights are protected by Amendment XIV, and by U. S. statute law which was enacted to enforce Amendment XIV, namely 28 U.S.C. 1343, 18 U.S.C. 241, and similar laws which are applicable in civil proceedings.

5. Whether the laws of Article VI of the United States Constitution were violated by the 1980 Presidential Elections, such that the right of U. S. citizens to supremacy for the laws of the U. S.

Constitution is denied, and also the right of the people to government of and by the people.

6. Whether Respondent Carter failed to "execute the laws" of the U. S. Constitution, as those laws concern the 1980 Presidential Elections; and also whether he failed to implement those U. S. treaty agreements which are contained in the U. N. Charter that require universal and equal sufferage.

7. Whether common law, commercial law, state law, and various inferior rules are sufficient to deny the laws of the U. S. Constitution of their mandates and supremacy pursuant to Article VI and 28 U.S.C. § 1343; and whether the judgment of the lower courts is in error for being unsupported by Constitutional law and for being in conflict with rights of citizens which are secured by the laws of the U. S. Constitution.

8. Whether Buckley v. Valeo, 424 US 1,

is relevant to the issues in this proceeding when only Amendments I and V were adjudicated therein; or whether Reynolds v. Sims, 377 U.S. 533 (1963), U. S. v. Mosley, 238 U.S. 383 (1915), U. S. v. Classic, 313 U.S. 299 (1940), and other similar cases where Amendment XIV and related laws are adjudicated and are decisive of the issues, require a judgment in favor of the Petitioner such that consistancy in application of the laws is achieved and mandates of the U. S. Constitution are sustained from dilution and debasement.

9. Whether Amendment XI is restricted as to application in the Federal Courts by Amendment XIV. (28 U.S.C. §1343).

10. Whether the remedy sought in these proceedings, which is an equitable remedy provided by the U. S. Constitution, is made mandatory by Article II, and Amendments XII, XIV, and XX.

11. Whether the participation by the U. S. Attorney in behalf of Defendants-Respondents herein in the lower courts, established an abuse of a U. S. government office, when the intent of that participation was to deny U. S. citizens of their rights in Presidential Elections, and the effect was to deny the people of a protection for their Constitutional rights when the U. S. Attorney had a significant conflict of interest.

12. Whether the lower courts departed from the accepted course of judicial proceedings for failing to adjudicate and to give consideration to the issues and evidence which are contained in this proceeding; or whether the courts concluded that the federal questions which are contained herein should be heard and decided in the Supreme Court of the United States.

LIST OF PARTIES

The parties in this case are those who are listed in the title of this action. The Complaint in the District Court contained the further provisions which are discussed in the footnote below.[1]

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[1] Concerning the Respondents, the Complaint in the lower court would allow Senators of the United States Senate to enter pleadings through the President Pro Tempore of the U. S. Senate, Senator Strom Thurmond; and Representatives in the U. S. Congress to enter pleadings through Speaker O'Neill.

The Complaint finds no error with Senator Strom Thurmond, but enjoins the Senator so that he may be informed of these proceedings, and further, so that he may enter any pleadings which he believes are necessary, or which other Senators which to have entered.

The fifty states are enjoined in the action. Since there is duplication of the laws in the fifty states, only the first eight states, listed alphabetically and named in the title, received serve in the action. These states are representative of all regions of the United States, and both large and small states. They are chosen without prejudice. The pleadings in the District Court established that the eight states are a sufficient number. Half of the states served entered pleadings

that are similar, and the remaining states entered no objection to the remedy sought.

The Complaint in the U. S. District Court stated that Plaintiff-Petitioner has no objection to participation by the other states. Petitioner has no objection to participation of other states in the U. S. Supreme Court. The Complaint cites South Carolina v. Katzenback, 382 U.S. 898 (1965), where the Supreme Court considered similar issues and questions, and where the Supreme Court in its orders, invited all states to enter pleadings and to participate in oral arguments. See Appendix A-58 attached hereto. South Carolina v. Katzenbach, 383 U.S. 301 (1965), reports the decision is that action, noting that numerous states participated in pleadings and oral argument.

TABLE OF CONTENTS

Appendix

TABLE OF CASES AND AUTHORITIES

CASES

AUTHORITIES

Adams, John, "Inaugural Address of 1797"; Inaugural Addresses of the Presidents of the United States; U. S. Printing Office.
Pages: 32, A-28

"Deliberations of the U. S. Congress on Amendment XII"; The Annals of the Congress of the United States; Volume 13; 1803
Pages: 25-26, 32, A-29-34

"Deliberations of the U. S. Congress on Amendment XIV"; Congressional Globe; Volume 36; 1866.
Page: 34

"Deliberations of the U. S. Congress on Laws to Enforce Amendment XIV"; Congressional Globe; Volume 44; Part 1; 1871.
Pages: 34-35

"Deliberations of the U. S. Congress on Amendment XX; Congressional Record; Volume 75; 1932.
Page 35

U.S. CONSTITUTION PROVISIONS

and the Congress may by law provide for the case of...inability (disability), both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

He shall take care that the laws are faithfully executed.

Article VI

Pages: 2, 3, 11, 24, 48

> This Constitution...and all Treaties made, or which shall be made, under the Authority of the United States shall be the supreme law of the land, and the judges in every state shall be bound thereby, any Thing in the Constitution or Laws of any State to the contrary notwithstanding.
>
> The Senators and Representatives before mentioned, and all executive and judicial Officers, both of the United States and the several states, shall be bound by Oath or affirmation to support the Constitution.

Amendment I

Page: 57

Amendment V

Page: 57

Amendment XI

Pages: 4, 61

Amendment XII

Pages: 1, 2, 4, 11, 12, 15, 17, 22, 24-25, 32-34, 48, A-29-34

> The Electors shall meet in their respective states, and vote by ballot for President, and Vice-President, and one of whom at least, shall not be an inhabitant of the same state with themselves, they shall name in their ballots the person voted for as President,

...the Congress may by law, provide for the case wherein neither a President elect nor a Vice-President elect have qualified, declaring who shall then act as President...until a President or Vice President shall have qualified.

U.S. TREATY AGREEMENTS

Pages: 3, 11-12, 13, 14, 18, 23, 35-36, 65, A-37-39

The Preamble

WE THE PEOPLE OF THE UNITED NATIONS DETERMINED...

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, and of nations large and small, and,

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law be maintained,

to promote social progress and better standards of life in larger freedom...

Chapter I, Article 1(3)

The Purposes of the United Nations are...

3. To achieve international cooperation ...in promoting and encouraging respect for human rights and for fundamental freedoms for all...

Chapter 1, Article 2 (2)

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

The International Bill of Rights (United Nations)

Article 7

All are equal before the law and are entitled without any discriminations to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 21, Section 3

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal sufferage and shall be held by secret vote or by equivalent free voting procedures.

U.S. STATUTE LAW

3 U.S.C. §19

Page: 19

Section 19(a)(1)

If by reason of...inability, or failure to qualify, there is neither a President

nor Vice President to discharge the powers and duties of the Office of President, then the Speaker of the House of Representatives shall...act as President. (If)...the Speaker fails to qualify as Acting President, then the President pro tempore of the Senate shall...act as President.

If the discharge of the power and duties of the office is founded in whole or in part in the failure of the President-elect and the Vice-President elect to qualify, then he (the Acting President) shall act only until a President or Vice President qualifies.

18 U.S.C. §241

Pages: 2, 18, 27-28, 34-35, 58, 60

If two or more persons conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of having exercised the same...(the conspiracy shall be an offense against the United States).

28 U.S.C. §1343

Pages: 2, 3, 4, 12, 27-28, 34-35, 43, 58, 61

(jurisdiction of the Federal Courts shall extend to cases) which redress the deprivation, under color of any state law, statute, ordinance, regulation, custom or usage, of any right, privilege, or immunity secured by the Constitution.

STATE CONSTITUTIONS

Pages: 12, 36, A-36

The Constitutions of:

State of Alabama; Art. 1, 1, 2, Art. XIII
State of Alaska; Art. I, 1, 2, Art. V
State of Arkansas; Art. II; 1-3, Art. 3
State of Arizona; Art. II, 1-3, Art. VII
State of California; Art. 1, 1-3, Art. 2
State of Colorado; Art. 11, 1, 2, Art. 6
State of Delaware, Art. I, 3, Art. V
State of Florida; Art. I, 1, 2, Art. VI
State of Georgia; Art. I, Art. II
State of Hawaii; Art. I 6, Art. II
State of Idaho; Art. I, 1, 2, Art. VI
State of Illinois; Art. I, 1, 2, Art. III
State of Indiana; Art. I, 1, Art. 2
State of Iowa; Art. I, 1, Art. II
State of Kansas; B. of Rt. 1, 2, Art. 6
State of Kentucky; B. of Rt. 1-6, 143
State of Louisiana; Art. I, 1, 10, Art. 7
State of Maine; Art. I, 10, Art. XI
State of Maryland; B. of Rt. 7, Art. I
State of Massachusetts; Dec of Rt, Part First, 10
State of Michigan; Ch. 1, 1, 2, Art. II
State of Minnesota; Art. 3, 5, 10, Art. 7
State of Missouri; Art. 1, 32, Art. 12
State of Montana; Art. 2, 13, Art. IV
State of Nevada; Art. 1, 20, Art. 2
State of New Hampshire; Part 1st. 21, Title II
State of New Jersey; Art. I, 21, Art. II
State of New Mexico; Art. II, 21, Art. VII
State of New York; Art. I, 1, Art. II
State of North Carolina; Art. I, 12, Art. V
State of North Dakota; Art. I, 1, 2, Art. II
State of Ohio; Art. I, 1, 2, 20, Art. V
State of Oklahoma; Art. I, 33, Art. 8
State of Oregon; Art. I, 33, Art. 8
State of Pennsylvania; Art. I, 5, Art. 8
State of Rhode Island; Art. I, 23, Art. 8
State of South Carolina; Art. I, 5, Art. II
State of South Dakota; Art. VI, 1, Art. 17

STATE STATUTE LAW

State Election Statute Laws in the Codes of the Fifty States:

Missouri; Title IX, Elections
Montana; Title 13, Elections
Nebraska; Title 32, Elections
Nevada; Title 24, Elections
New Hampshire; Title IV, Elections
New Jersey; Title 19, Elections
New Mexico; Title 1, Elections
New York; Chapter 17, Election Laws
North Carolina; Chapter 163, Elections
Ohio; Title 35, Elections
Oklahoma; Title 23, Elections
Oregon; Title 26, Elections
Pennsylvania; Title 25, Elections
Rhode Island; Title 17, Election Law
South Carolina; Title 7, Election Law
South Dakota; Title 12, Elections
Tennessee; Title 2, Election Code
Texas; Title and Volume 9, Election Code
Utah; Title 20, Elections
Vermont; Title 17, Vermont Election Code
Virginia; Title 24.1, Elections
Washington; Title 29, Elections
West Virginia; Chapter 3, Election Code
Wyoming; Title 22, Elections

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Respondents.

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

To the Honorable, the Chief Justice and Associate Justices of the Supreme Court of the United States:

Lowell M. Stroom, the Petitioner

herein, prays that a writ of certiorari issue to review the judgment of the U. S. Court of Appeals for the Third Circuit entered in the above entitled case on February 27, 1984.

OPINIONS BELOW

The orders of the U. S. Court of Appeals for the Third Circuit are unreported and are printed in the Appendix, Section iii, herein, at page A-22. The Court of Appeals entered no findings, opinions or memorandum in the case.

Judgment-orders of the U. S. District Court for the Eastern District of Pennsylvania are printed in the Appendix, Section ii, at page A-5.

JURISDICTION

The judgment of the U. S. Court of Appeals for the Third Circuit was entered

on February 27, 1984. (Appendix, A-2, A-22)[2]. A timely petition for rehearing en banc was denied on April 10, 1984. (Appendix, A-3, A-23). The jurisdiction of the Supreme Court is invoked under 28 U.S.C. §1254(1) which authorizes Supreme Court of all judgments by the United States Courts of Appeals.

STATUTES INVOLVED AND CONSTITUTIONAL PROVISION

This case invokes U. S. Constitutional laws and mandates, U. S. treaty law as is contained in the U. N. Charter, and U. S. statute laws which were enacted and reenacted by the U. S. Congress to enforce Amendment XIV provisions and to protect the elective franchise. These provisions are quoted verbatim in the Table of Authorities at page v following page 7.

Briefly, some, but not all of the laws

[2] This notation refers to the Appendix herein throughout this Petition.

invoked, are as follows:

U. S. Constitution:

Art. II, Section 1. The Congress may by law provide for the case of an inability (disability) both of the President and Vice President, declaring what officer shall act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected (by 'intermediate election'). (See Appendix A-24).

Art. VI. The Constitution...and all treaties made shall be the Supreme law of the land.

Amend. XII. They shall name in their ballot the person voted for as President, and in distinct ballots, the person voted for as Vice-President.

Amend. XIV, Section 1. No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States.

Amend. XIV, Section 2. But when the right to vote at any election...for President and Vice President of the United States is denied or in any way abridged...etc.

Amend. XX. The Congress may by law provide for the case...etc...until a President or vice President shall have qualified.

U. N. Charter-Bill of Rights:

Art. 21, Section 3. The will of the people shall be the basis of the authority of government; this shall be

> expressed in periodic and genuine elections which shall be by universal and equal sufferage... (See Appendix, A-37).

U. S. Statute Law

> 28 U.S.C. §1343(3). (jurisdiction of the Federal Courts shall extend to cases) which redress the deprivation, under color of any state law, statute, ordinance, regulation, custom or usage, of any right, privilege, or immunity secured by the Constitution...

The case further makes reference to laws contained in the Constitutions of the fifty states which essentially conform to and restate the laws of the U. S. Constitution and the U. N. Charter. Listings of these provisions of the State Constitutions are contained in the Appendix herein at page A-35.

The case further seeks review of inferior state election statute laws of the fifty states which are contained in the codes of these states. The laws deny all U. S. citizens of rights in Presidential Elections which are secured for the people. The state laws violate the laws of Article VI and

and Amendment XIV of the U. S. Constitution. A listing of these state laws is contained in the Appendix herein, at page A-35.

STATEMENT OF THE CASE

This case challenges the Constitutionality of the 1980 Presidential Elections, and as an intervening matter, all Presidential Elections provided in the States in 1984. The challenge is made on the grounds that the election events, and the laws applied to the elections, deny U. S. citizens and the Petitioner of rights of the People in Presidential Elections as those rights are secured by the U. S. Constitution. These rights are secured by Article II and Amendment XII, and are protected by Amendment XIV. Further, the 1980 Presidential Elections failed to conform to U. S. treaty agreements as those agreements are contained in the U. N. Charter.

The effect of this denial of rights, is a denial of numerous other rights. Among these rights denied, are the right of the people to supremacy for the laws of the U. S. Constitution, the right of the people to government of and by the people, and the right of the people to an effective and relevant voice in international dialogues so as to conform to the U. N. Charter treaty agreements.

Where there is a condition which offends the laws of the U. S. Constitution, such as that complained of herein, there is a remedy made mandatory which corrects that condition.

The challenge is supported by evidence which is uncontestable, and which is easily proven, so as to present a case which is easily adjudicated.

A. Those Enjoined.

1. The Petitioner, Lowell M. Stroom, was a Presidential Candidate in the 1980

primary and general Presidential Elections, and in years prior to the Elections in 1980. The popularity of the Candidacy in every state had extended over years since at least 1975. This popularity established reasonable expectations for an election victory in the 1980 Presidential Elections, given equal protection of the laws of the Federal and State Constitutions and implementation of the laws of Amendment XII and the agreements which are contained in the U. N. Charter.

Unique and disadvantageous conditions were applied to the Stroom Presidential Candidacy, and to Lowell Stroom, the Candidate, which did not apply to other candidates. Only those conditions, and the enforcement and enactment of state election statute law in the fifty states which deny U. S. citizens of their rights in Presidential Elections so as to violate Amendment XIV, deprived and denied the Petitioner of election to the office of

President of the United States, and likely reelection in 1984.

2. Further, the 1980 Presidential Elections denied a large majority of all U. S. citizens who are eligible voters, perhaps 90 to 95 percent, of their Constitutional rights in Presidential Elections. This denial of rights is chiefly due to enforcement and enactment of laws which are contained in state election statute law and codes, and the failure to "execute" the laws of the U. S. Constitution. The effect of the state laws is to deny U. S. citizens of an effective voice, or even any voice in Presidential Elections. Adjudicative evidence establishes that the U. S. Constitution secures all rights in Presidential Elections for the people, which rights may not be acquired or delegated to others, including states or political parties. (Appendix, A-29).

Adjudicative evidence establishes that no votes were cast for any Vice Presidential

candidate in any state in 1980, when a principal purpose of Amendment XII is to secure that right for the people. Further evidence shows that only 18 percent of all eligible voters participated in 1980 Presidential Primary Elections, which is a small minority. Those voters who were not affiliated with political parties had no voice in the primary elections in 1980, as they had none in 1984; and those who affiliated with political parties had a largely ineffective voice. (See U. S. v. Classic, 313 U.S. 299, 313--1940).

The effect of the laws applied, further, was to deny eligible voters of access to candidacies from among those citizens who are our nation's most skilled and highly qualified leaders, when these highly skilled citizens were effectively all disenfranchised from participation in the elections. Adjudicative evidence establishes that in states with 500 Electoral College votes, the largest group of eligible voters in

the states were those who cast no ballot that was counted. The People were clearly denied a 'genuine' election with universal and equal sufferage, as the U. N. Charter treaty agreements require.

3. Respondent Carter failed to "execute" the laws of the U. S. Constitution and the agreements of the U. N. Charter, as those laws and agreements are applicable to the Presidential Elections in 1980. Carter further abused the office of the Presidency by participating in an unconstitutional election, and by using the authority of that office to deny the people of their rights in Presidential Elections. Carter thus offended the laws of Amendment XIV, as that offense is described by 18 U.S.C. 241, and in similar laws applicable in civil proceedings.

4. An attempt to deny rights of U. S. citizens in Presidential Elections in 1980 could only be achieved with the participation, consent, and approval of Respondents Mondale,

Reagan, and Bush. Mondale's efforts in 1980 clearly establish a deliberate intent to conspire to deny U. S. citizens of their rights. Even in 1984, while this action is in the Federal Courts, the same Respondents openly use their offices to conspire to deny U. S. citizens of their rights, to misinform U. S. citizens of their rights under color of law, and to advocate some form of Presidential Elections which are entirely extraneous to the U. S. Constitution, and which are grievously injurious and damaging to our nation, and to people around the world.

5. No error is found with Senator Strom Thurmond in the 1980 Presidential Elections. He is enjoined so that he shall be informed of these proceedings. Laws enacted by Congress pursuant to Article II and Amendment XX, 3 U.S.C. §19, require that Senator Thurmond shall serve as Acting President.

6. Respondent O'Neill is enjoined in the

case for his participation at the 1980 Democratic National Convention. O'Neill's participation contributed to the unconstitutionality of the 1980 Elections. O'Neill advocated, under color of law, the implementation of presidential elections which deny the people of any participation or voice. On a national television interview, and as Speaker of the House of Representatives, O'Neill advocated an 'open' convention in which all rights in the election are assumed and usurped by those who are present at the national convention of a political party. Thus decisions on the Presidency would be made by as few as 4,000 people, most of whom are entirely unknown to U. S. citizens.

Some of those who attend national conventions may be selected to attend because they are members of the U. S. Congress or state governments. As to these persons, adjudicative evidence shows that the authors of the U. S. Constitution clearly established that the selection of the President and

Vice President shall be by the people, not by the U. S. Congress or by the States.[3]

Laws enacted by Congress pursuant to Article II and Amendment XX require that consideration in this case be given to O'Neill as Acting President. The Petitioner has suggested in the lower courts that O'Neill should be disqualified from consideration as Acting President until there has been further review of his participation in 1980.[4]

7. The Ambassadors and Appointed U. S. Executive Department Officers are enjoined as persons who occupy offices as a result of an unconstitutional election. Relief herein requires that a newly elected President shall make all necessary appointments, such that the laws of the Constitution shall be effectively executed. This is an accepted principle of government in the United States.

8. The action enjoins the fifty states

[3] See Appendix, A-29.

[4] 3 U.S.C. §19

for 'enforcing and enacting' laws which deny U. S. citizens of their Constitutional rights in Presidential Elections, so as to violate the laws of Amendments XII and XIV. Evidence contained in a survey of state election statute laws, and in all ballots cast in 1980, entered into the lower courts, shows that the U. S. Constitutional rights of U. S. citizens were denied or abridged in more than ten ways by these laws. The laws denied an effective voice in the election to 80 or more percent of all U. S. citizens. The laws denied the right of citizens to cast a ballot for candidates for the office of Vice President. The laws required or permitted the enrollment of citizens in political parties so as to establish classifications of people which devalued the rights of citizens. The laws provided ballots which were unequal, providing a greater right for some to be elected, and a lesser right or no right for other citizens to be elected.

The clear effect of all of these laws was to disenfranchise large numbers of Americans. In States with 500 Electoral College votes, the largest group of eligible voters, the plurality, were those who cast no ballot that was counted; and in states with more than 200 Electoral College votes, these voters were the clear majority (50 percent) of the state's eligible voters. The leading candidate on the ballots received no more than twenty-five percent of all eligible votes that were cast, when the nominations were severely restricted. The 1980 Elections failed to achieve popular-majority government as the authors and the laws of the U. S. Constitution intend, and as U. S. treaty agreements in the U. N. Charter require.

9. This case is not an action against the 'United States' as the U. S. Attorney contended in one pleading. Rather, this is an action for the 'United States', when no

officers in the U. S. Executive Department have been qualified pursuant to the laws of the U. S. Constitution to perform the duties that are required of those offices. To this end, Petitioner-plaintiff requested the District Court to allow the title in these proceedings to be amended to read: "U. S. ex rel. Stroom v. Carter, et al.". The language of the complaint and all other pleadings by the Petitioner in the lower courts is consistant with the request, so as to secure the Constitutional rights of the people in Presidential Elections. The District Court did not rule on this motion to amend the title.

B. <u>The Laws Invoked Herein.</u>

This action invokes the laws of Articles II and VI and Amendments XII, XIV, and XX of the Constitution of the United States, which alone among the laws of the Constitution give consideration to Presidential Elections. All other laws

of the Constitution are irrelevant, or are limited and restricted by the provisions of these laws, as to Presidential Elections. All states, further, must conform their laws to those which are invoked herein.

Commentaries by the authors of the Constitution on Constitutional law are abundant and consistant. Of special relevance in this case, are the commentaries of the members of the U. S. Congress on Amendment XII as their deliberations are reported in Volume 13 of the Annals of Congress, 1803. It is possible that the Justices of the Supreme Court are unfamiliar with these commentaries and authority, since this authority is not cited in decisions of the Supreme Court. It is absolutely certain that these commentaries, with other materials entered herein, are decisive of the questions in this case. When the Supreme Court is familiar with these commentaries-deliberations, the Supreme Court will reverse the judgment of the lower court, and grant

judgment in favor of the Petitioner.

Portions of the deliberations from the Annals of Congress, Volume 13, are appended herein at the Appendix, A-29. Precise equality is a term which is used to quantify a U. S. citizen's voice in Presidential Elections. The commentaries and deliberations of the authors of Amendment XII in the Annals most resemble those decision of the U. S. Supreme Court which have required "one man-one vote".

The action further invokes U. S. treaty agreements which are contained in the U. N. Charter. Portions of the U. S. Congressional deliberations on the ratification of the treaty are appended hereto in the Appendix at A-37. The treaty is declared a 'national interest' to which all states' laws must conform.

Further, laws enacted by the U. S. Congress to enforce the provisions of Amendment XIV are invoked. These laws were enacted pursuant to Section 5 of the Amendment,

about five years after the Amendment was ratified in the states. The laws were reenacted in 1909, as laws protecting from offenses against the elective franchise and civil rights of citizens. The effect of these laws is to further secure the supremacy of the laws of the U. S. Constitution. (See 28 U.S.C. §1343).

C. The Evidence Presented.

The evidence presented in the lower courts, which is decisive of the questions in this case, is contained in the following: 1) A survey of commentary and authority provided by the authors of the U. S. Constitution; 2) A survey of state elections statute laws in the fifty states; 3) A canvass of every ballot cast and those not cast in the 1980 Presidential Elections; and 4) A survey of decisions by the Supreme Court where the provisions of Amendment XIV are invoked, and where laws which enforce provisions of Amendment XIV are invoked,

such as 18 U.S.C. §241, § 242, and 28 U.S.C. §1343. Portions of the evidence are appended hereto in the Appendix beginning at page A-24.

a. A Survey of Authority and Commentary Provided by the Authors of the Constitution.

That the 1980 Presidential Elections were unconstitutional and invalid is established in authority provided by authors of the U. S. Constitution. Statements which are contained in the Records of the Federal (Constitutional) Convention[5] establish that the offices of President and Vice President are established by the U. S. Constitution, and that the same laws of the Constitution provide for national elections to fill those offices. The authority establishes that there was consideration for selection of a President by the U. S. Congress, as the Articles of Confederation provided. This concept was disposed of by the Convention. There was consideration for a concept which provides for the selection of a

[5] Records of the Constitutional Convention of 1787: Max Farrand, Editor; 1911.

President by the States, such as by the governors. This concept was also disposed of. The concept which was ratified provides for the election of the President by the People, such that the office is independent of the Congress and the States, and is dependent entirely on the People. (Appendix-Statement b, A-30; Statement E, A-32; Statement G, A-33; Statement J, A-34).

The Records of the Federal Convention, further provide uncontestable documentary evidence that deliberation at and the intent of, the Convention, responded to consideration for the character of the office of President-the Executive Department. These deliberations discussed for example, whether the office of President should be a ceremonial office, or whether the office should be one with significant importance. The consensus of the Convention was that in an Election by the People for the office of President, the People, in their own interests, and in the interests of the nation, would only vote

for well qualified and highly skilled persons to fill the offices. On that principle, the authors of the Constitution vested significant, important powers in the office of President, which powers determine significantly, the quality of life in our nation.

The Records of the Federal Convention, also establish that consideration was given at the Convention to the case in which an unqualified person, or no person, occupied the office of President. Having delegated important power to the office, provision was sought for a remedy to a condition in which these powers were abused by an unqualified person, or when other disabilities in the offices of President and Vice President were established. A remedy for the condition was established in the final week of the Convention, when a clause was entered into the Constitution which provided for an acting President, and an 'intermediate election'. (Appendix, Exhibit 1, A-24, 25).

This remedy is contained in Article II, Section 1, Clause 5. The remedy was re-affirmed by the authors of Amendment XX who entered nearly identical language and reasoning in Amendment XX where an election fails to qualify any candidates. There is no condition in which this remedy would not be available when an election fails to qualify persons, such that the laws of the U. S. Constitution shall retain their supremacy.

There is much discussion in deliberations at the Constitutional Convention for laws which provide for 'popular-majority' government, by the People. Minority government, when a person is elected President by as few as five percent, or even twenty percent of the eligible voters, is a condition which grievously offends the laws of the U. S. Constitution. (Appendix, Statement A, A-29; Statements B and C, A-30; Statement J, A-24; Exhibit 2, A-26).

President Washington, who was also President of the Constitutional Convention, and President John Adams, have provided authoritative statements in forceful and pointed language which are supportive of the delibations at the Constitutional Convention. These are further contained in Exhibits 2 and 3 in the Appendix herein. (Appendix, A-26, 27, 28).

Further authority on Constitutional intent in President Elections is provided in Amendment Twelve, which was ratified in 1804. The Annals of Congress, Volume 13, 1803, report the deliberations of the U. S. Congress on this Amendment. Among the particularly relevant portions of the deliberations are those which concern: 1) the fundamental rights of the people in Presidential Elections, 2) the duty and constraints of the Electoral College, and 3) the right of the people to elect the Vice President independent of concerns for candidates for the Office of President.

A statement by Senator Wilson Nicholas summarizes the laws of Amendment XII. (Appendix, Statement B, A-30). Nicholas stated:

> A reason equally forcible...was that by taking the number three instead of five, you place the choice with more certainty in the people at large, and render the choice more consonant to their wishes... (A)lso, it was a most powerful reason for preferring three, that it would render the Chief Magistrate (President) dependent only on the people at large, and independent of any party or state interest. The people hold the sovereign power, and it was intended by the Constitution that they should have the election of the Chief Magistrate... (All) men, in their civil capacity as citizens, are upon complete terms of equality, possessing equal rights and power, and in the right of sufferage, and in the light of the law, they are equally units in the mass of society. (Annals at 103).

The Electoral College was established only to give smaller states slightly more effect than their populations normally would allow. The members of the College have no rights. The duty of the college is to cast the ballots of the people in the state, pursuant to the results of the elections of the people in the state. (Appendix, Statement

D, A-31).

The deliberations in Congress establish that the right to elect a Vice President is a unique right of the people which cannot be restricted or usurped by state law or preferences of Presidential candidates. (Appendix, Statement E, A-32).

Further adjudicative evidence as to the rights of the people in Presidential Elections is provided by the authors of Amendment XIV, as Congressional deliberations on that Amendment are contained in the Congressional Globe, Volume 36, Part 3, (1866). The principal intent of Amendment XIV is to reestablish the supremacy of the laws of the U. S. Constitution, and specifically in Presidential Elections.

Documentary evidence as to the laws of Constitution in Presidential Elections is contained in laws enacted by Congress pursuant to Amendment XIV, Section 5. These laws define conditions which offend Amendment XIV, and assign jurisdiction in such cases

to the Federal Courts. The laws were enacted by Congress as H.R. No. 320, "to enforce the provisions of the Fourteenth Amendment." These laws were reenacted and recoded by the Congress in 1909 as "offenses against the elective franchise and civil rights of citizens".

Documentary evidence as to the rights of the people is Presidential Elections is further provided by the deliberations of the U. S. Congress on Amendment XX (1932). The authors of this Amendment stated that there was the possibility in every election for President that no candidates would be qualified. It was their specific intent that the Amendment would provide for such a condition, as Article II does.

Further documentary evidence as to the rights of the people in Presidential Elections is contained in the deliberations of the U. S. Congress on ratification of the U. N. Charter treaty agreements. These deliberations are reported in Volume 91 of the Congressional

Record. The deliberations declare the U. N. Charter treaty to be a national interest and purpose. State laws failed to conform to the treaty agreements in the 1980 Presidential Elections; and state statute laws are insufficient to deny U. S. treaty agreements of their effectiveness. (Appendix, Exhibit 9, A-37, 38, 39).

b. A Survey of State Election Laws in the Fifty States.

A survey of the laws of the fifty state constitutions establishes that the state constitutions essentially conform to the laws of the U. S. Constitution as to Presidential Elections. A list of relevant state constitution laws is included in the Table of Authorities at page xi following page 7.

A survey of documentary evidence which is contained in published state election statute law in the codes of the fifty states shows that these laws are unconstitutional, and that the laws, as effective in 1980

Elections, denied all rights of the People *in U. S. Presidential Elections in 1980*, and as an intervening matter, also in 1984. This evidence is discussed in detail in the Complaint at pages 13 through 23, portions of which are appended hereto at A-40, 41, and 42, and at A-35 and 36. The evidence is further discussed herein at the paragraph numbered 8 beginning on page 21.

These state statute laws are insufficient to deny the U. S. Constitution of supremacy for its laws; and they are unconstitutional, so as to fail to qualify any candidates in the 1980 Elections pursuant to the laws of the U. S. Constitution.

C. A Canvass of All Ballots Cast in the 1980 Presidential Elections and Those Eligible Voters who Cast No Ballot That was Counted.

Adjudicative evidence contained in a canvass of all ballots in 1980 shows that the effect of all laws which were applied to the 1980 Presidential Elections were Elections which so denied the rights of

U. S. citizens as to be unconstitutional and invalid. The same evidence establishes that the 1980 Elections violated U. S. treaty agreements which are contained in the U. N. Charter. Further the evidence is sufficient to mandate judicial protection for the laws of the U. S. Constitution such that the Writ for Certiorari should be granted and judgment of the lower Courts reversed.

The ballots cast in 1980 were cast pursuant to the state election statute laws, and not the laws of the U. S. Constitution, so as to establish a condition which grievously offends the laws of the U. S. Constitution. A canvass of the ballots cast is discussed in the Complaint at pages 10 through 13, portions of which are appended hereto at A-40, 41, and 42 of the Appendix. A tabulation of the canvass appears in part on page 39, and more fully in the Appendix at A-43 through A-46.

The canvass shows that as few as 18

Portions of a Canvass of All Ballots Cast and Not Cast in the 1980 Presidential Elections. See Appendix at A-46 to A-49.

(a) State	(b) Electoral Votes of State in 1980	(c) Persons 18 Years and Older by State in 1980 (in 000's) (U. S. Census, 1980)	(d) Primary Votes Cast by State in 1980 Presidential Elections. (in 000's) (Congressional Quarterly)	(e) Percent of Persons 18 Years and Older Who Voted in State Primary. d/c	(f) Number of Votes Cast by State in 1980 General Elections. (in 000's) Congressional Quarterly	(g) Percent of Persons 18 Years and Older Who Voted in 1980 General Election by State. (f/c)	(h) Number of Persons 18 years and Older Who Cast No Ballot That Was Counted in 1980 General Election (000's)	(i) Largest Number of Votes Cast for A Presidential Candidate by States in 1980 (in 000's)	(j) Votes Cast for Leading Candidate in State as Percent of Those Who Cast no Vote
Alab.	9	2,732	449	16.4	1,342	49.0	1,390	654	47.0
Alas.	3	271	none	--	158	58.4	113	86	76.0
Ariz.	6	1,927	none	--	874	45.5	1,053	530	50.3

percent of all eligible voters had any participation in primary elections in 1980, and that the value of these votes was grossly devalued when 82 percent of all eligible voters had no participation, so as to be entirely disenfranchised. The Supreme Court stated in U. S. v. Classic, 313 U.S. 299 (1940), that judicial protection is required and mandated from a condition which so denies the rights of U. S. citizens.

Further, the evidence establishes that the 1980 Presidential Elections failed to achieve popular-majority government, or to be responsive to the majority, such as to achieve the 'genuine' elections and 'equal sufferage' which are required by the U. N. Charter. In states with as many as 500 Electoral College votes, the majority group in the states were those who cast no ballot that was counted; and in states with 200 Electoral College votes, the number of persons who cast no ballot that was counted exceeded the number of persons who cast ballots for

all candidates who were listed on the ballots.

Further, no ballots were cast for any vice-presidential candidates. The ballots were unconstitutional for disenfranchising our most skilled and qualified leadership from participation. Ballot designs were inequitable, providing unconstitutional advantages for some candidates to be elected. The Electoral College was selected on a basis other than that made mandatory by the U. S. Constitution, so as to deny all U. S. citizens of their rights in Presidential Elections.

d. A Survey of Federal Court Decisions Involving Cases Invoking the Electoral Franchise and Amendment XIV.

In Reynolds v. Sims, 377 U.S. 533, (1963) the Supreme Court provides a long list of cases in which the Supreme Court has ordered a protection for the elective franchise, when as the decision states, there have been

attempts to "deny or restrict" the right of franchise. Among these are: Ex Parte Yarbrough, 110 U.S. 657 (1883), U.S. v. Mosley, 238 U. S. 383 (1915), Lane v. Wilson, 307 U.S. 268 (1938), and Baker v. Carr, 369 U.S.. 186 (1961). The decisions of the Courts consistently protect the right of the people to 'one man-one vote', from persons who would conspire against, and from laws which would deny, the right. Exhibits 11 and 12, appended hereto at A-47 through A-57, contain portions of a court order and a federal government brief which grant, and which support, the relief contained herein.

D. The Remedy Sought

The Complaint in the lower courts seeks the Constitutional remedy which is contained in Articles II and Amendment XX, which is: an intermediate Presidential and Vice Presidential Election, pursuant to a plan which is responsive to all Constitutional mandates. (Complaint, 30-46). The plan,

further, conforms with the Supreme Court's orders in Swann v. Board, 402 US 15 (1970). An acting President is installed.

The remedy fully corrects a condition which offends the laws of the U. S. Constitution. There is no condition in which the remedy would not be required as a matter of right and a mandate of the Constitution. No common law, commercial law, state law, or inferior rule is sufficient to deny the right, such that government of and by the people, pursuant to the laws of the U. S. Constitution, is achieved. (Appendix, A-24).

The Complaint asks further for "such additional relief as to the Court may appear appropriate".

E. Jurisdiction of the Lower Court.

The U. S. District Court had jurisdiction pursuant to 28 U.S.C. 1331, which provides for those cases in which federal questions are at issue. The Court also had jurisdictio pursuant to 28 U.S.C. 1343, where state

laws deny U. S. citizens of rights secured by the U. S. Constitution. The U. S. Court of Appeals had jurisdiction pursuant to 28 U.S.C. §1291, where the Court of Appeals shall hear all cases in which final judgment has been entered in the U. S. District Court.

F. The Proceedings in the lower courts.

The judgment of the U. S. District Court was adverse to the Petitioner, and the judgment is grievously in error as to application of the laws, the facts in the case, and for failure to adjudicate the issues.

The orders of the District Court misapply the law, when common law, commercial law, state laws, and inferior rules are cited, all of which are irrelevant and insufficient in an action where the denials of Constitutional rights are established. Constitutional law requires a remedy where a condition offends the Constitution.

The U. S. Attorney entered pleadings which misrepresent the laws applicable and the facts herein, so as to cause the Court to err. The Court failed to adjudicate the Constitutional issues which were entered into the Court.

The Court of Appeals granted a motion entered by the State of Colorado which affirmed the District Court Order. The motion of the State of Colorado was unsupporte by any case law or authority. Further, the Court of Appeals erred for failing to give consideration to the issues and questions entered. Five briefs were entered in the proceedings, and the motion of the State of Colorado. The Court apparently gave no consideration to the Briefs, and two of the Briefs were returned when judgment was entered before the time for filing pleadings was completed.

The Court of Appeals was either grievously in error, or the Court concluded that the case should be heard and decided in the

Supreme Court. The Court of Appeals entered no opinion in the case.

This appeal for Writ of Certiorari in the United States Supreme Court follows.

G. An Intervening Matter.

There have been several presidential primary elections provided in the states in 1984. These have been as unconstitutional and as damaging of the rights of U. S. citizen as the 1980 Presidential Elections. The Petitioner has sought injunctive relief from these elections in the U. S. District Court, the U. S. Court of Appeals, and in communications with the states. Relief from injury has not been provided.

In Baker v. Carr, 360 U.S. 186, where a similar condition was adjudicated, the federal government's amicus curiae brief stated as follows:

> Arbitrary regulation of the right to vote, even more than restrictions upon freedom of communications, destroys the essential pre-conditions of alert democracy. Those who are denied the

> right to vote, or who are grossly under-represented cannot protect their franchise by voting. This is therefore, a special reason for the court to exert all the power they possess for the vindication of these constitutional rights.

The 1984 Elections are damaging, for they misrepresent, under color and authority of law, the rights of the People in Presidential Elections. The 1984 Elections should be invalidated, and those responsible chiefly the Respondents herein, should be excluded from participation in the 'intermediate' election which is provided by the remedy herein.

REASONS FOR GRANTING THE PETITION

I.

WRIT OF CERTIORARI SHOULD BE GRANTED ON IMPORTANT FEDERAL QUESTIONS

This case presents federal questions which make the case, perhaps, among the ten most important cases which the U. S.

Supreme Court has been asked to decide in its nearly 200 year history. The case concerns a denial of Constituional rights of U. S. citizens, as protection for those rights is enumerated in Articles II and VI, and Amendments XII, XIV, and XX. The case concerns a condition which offends the laws of the U. S. Constitution for which an immediate remedy which corrects that condition is made mandatory by the U. S. Constitution. The case concerns the Executive Department of the United States, which will only be effective when it conforms to the laws for government which are contained in the U. S. Constitution. The case concerns the elective franchise, the right of the people to government of and by the people, and the inalienable right of the people to elect a President and a Vice President in elections which are unabridged in any way. As Chief Justice Warren wrote for the Supreme Court in Reynolds v. Sims, supra, at 560:

> Other rights, even the most basic are illusory if the right to vote is

> undermined. Our Constitution leaves no room for classifications of people in a way that unnecessarily abridges this right.

The laws which were applied to the 1980 Presidential Elections conflict in every way with the laws and intent of the U. S. Constitution; and judicial protection should be provided such that this condition is corrected.

When the Constitutional Convention met in Philadelphia in 1787, the Convention gave consideration to the Executive Department of the United States in a comprehensive way. The Convention concluded that the powers which are delegated to the Executive Department should be determined on the basis of how the Chief Executive was selected. If, for example, the Chief Executive would be purely a ceremonial office, it would make little difference as to how the office of President was filled. If the Chief Executive were to have major powers, so as to influence the quality of life in our nation, it is

essential that the person be highly skilled and well qualified. The Convention concluded that if the people were to elect a President, they would only elect a highly skilled person. On this premise, the Convention assigned and delegated important powers to the office of President and determined that the people shall elect the President.

In 1980, the laws applied to the Elections denied the large majority of U. S. eligible voters, perhaps 80 to 90 percent, of an effective voice in the elections, and our most highly skilled leaders were denied of effective participation as candidates in the elections. The result of the elections could and did only produce a minority form of government with seriously underqualified candidates. The rights of the people are grievously denied in such an election.

The Constitutional Convention gave consideration to the selection of a President by the U. S. Congress or by the States. Both of these concepts were disposed of

in preference to one in which the President would be responsible to all of the People. However, the result and effect of all laws which were applied to the Elections in 1980, was that only members of Congress and Governo were considered as candidates. These laws deny the nation of its finest leadership, and defeat the intent of the Constitution.

The many other defects of the Election are discussed in the 'Statement of the Case' herein. The defects are of such kinds and quantities as to mandate judicial protection for the rights of the People and the laws of the U. S. Constitution. Damage and serious injury accrue to all U. S. citizens and to nations of the world, from this condition which offends the Constitution. The Writ of Certiorari should be granted to correct this condition.

II.

THE WRIT OF CERTIORARI SHOULD BE GRANTED TO SUSTAIN SUPREMACY FOR THE LAWS OF THE U. S. CONSTITUTION

There is no condition in which remedy is not made mandatory by the laws of the U. S. Constitution when a condition exists which offends the laws of the U. S. Constitution. (U. S. Const., Art. VI, Amend. XIV). In the instant case, remedy is contained in the laws of the U. S. Constitution. (U. S. Const., Art. II, Amends. XIV, XX; See Appendix, A-24).

The Federal Courts are established by the Constitution to secure supremacy for the laws of the U. S. Constitution. Supremacy for these laws is not left to arbitrary determination. Sustaining supremacy for the laws of the Constitution is an important mandatory duty of the Courts; and the People have an inalienable Constitutional right to supremacy for the Constitution's laws. Certiorari should be granted to perform this duty and to secure this right.

III

CERTIORARI SHOULD BE GRANTED TO PROVIDE JUDICIAL PROTECTION FOR ARTICLE II OF THE UNITED STATES CONSTITUTION-- THE EXECUTIVE DEPARTMENT

While this case seeks remedy from unconstitutional Presidential Elections in 1980, the remedy secures protection for the entire Executive Department as that Department is discussed in Article II. Remedy is necessary for, and will provide for; constitutional execution of the laws of the United States, an effective voice for the People in international dialogues, a constitutional review of legislation which is enacted by Congress, the implementation of U. S. treaty agreements, and the effective utilization of our nation's human resources to attain those achievements which are consistent with our nation's talents and abilities.

IV

CERTIORARI SHOULD BE GRANTED BECAUSE THE QUESTIONS HAVE IMMEDIACY, AND THE CONDITION FROM WHICH RELIEF IS SOUGHT HAS EXTENDED OVER A LENGTHY TIME

Certiorari should be granted because the issues have immediacy. Unconstitutional elections have been allowed in 1984. The effect of these elections is to further deny U. S. citizens of their rights in Presidential Elections. Respondants herein, have participated in these elections under color of law, advocating unconstitutional elections, misinforming the people of their rights in Presidential Elections, and conspiring to deny citizens of their rights in Presidential Elections. The people have an immediate right to be informed of their Constitutional rights prior to any further elections, and the Petitioner and other U. S. citizens who are disenfranchised, have a right to restoration of effective participation in Presidential Elections without further abridgment.

The condition which offends the laws of the Constitution has extended over several years. This length of time causes sustained hardship for our nation, when national debt is being increased by $200 billion annually. Damages which might be endured for a short time, have been endured while entire generations have grown up disadvantaged, and while other generations have grown older.

V

CERTIORARI SHOULD BE GRANTED TO CORRECT ERRORS OF THE LOWER COURTS AS TO LAW AND FACT, SUCH THAT INJUSTICE IS DEFEATED

The courts entered serious error as to law and to fact in judgments in the lower courts. These errors are due in part to misrepresentations which are contained in the pleadings of Respondants-Defendants. The effect of the participation of the Respondants in the lower courts has been to conspire to deny U. S. citizens of their rights in Federal Courts of law, and to

perpetuate a grievous injustice.

Respondents' pleadings, and the judgment entered by the lower courts, are unsupported by constitutional law, and the pleadings conflict with mandates which are contained in the laws of the U. S. Constitution. The effect of these pleadings is to seek to undermine the Constitution and U. N. Charter agreements. Respondents have relied on common law, commercial law, state law, and miscellaneous inferior rules, as grounds for denying the U. S. Constitution of its mandates and supremacy. But, decisive law in the instant case requires that where a condition exists which offends the laws of the U. S. Constitution, there are no grounds which are sufficient to deny the Constitution of supremacy for its laws and mandates, and a remedy to correct the condition.

Further, Respondents' pleadings entered error as to fact into the Court, when Respondents stated that the issues herein have been previously adjudicated. Petitioner

Stroom has never participated in any prior litigation in which Mondale, Reagan, Bush, O'Neill, Thurmond, or the States were party. Petitioner has participated in a prior action in which Carter was a party. The orders of the court in that proceeding state clearly that the court adjudicated only issues pursuant to Amendments I and V. The Supreme Court can easily establish that: 1) there is no mention of Presidential Elections in Amendments I and V, b) the authors of Amendments I and V never intended that the Amendments should be decisive as to matters of Presidential Elections, and c) that in any event, Amendments I and V are made irrelevant as to Presidential Elections, or their application is limited, by Amendment XII. Certiorari should be granted.

VI

CERTIORARI SHOULD BE GRANTED TO ACHIEVE CONSISTENCY IN DECISIONS, WHEN THE ORDERS OF THE LOWER COURTS CONFLICT WITH DECISIONS OF THE U. S. SUPREME COURT WHERE AMENDMENT XIV HAS BEEN INVOKED

The judgment of the lower courts herein is inconsistent with all other decisions of the Supreme Court, and with many of the Appellate Courts, when the laws of Amendment XIV are invoked in the orders. The Supreme Court summarized its decisions on the elective franchise and Amendment XIV in the Court's order in Reynolds v. Sims, supra. The Court wrote:

> Undeniably the Constitution of the United States protects the right of all qualified citizens to vote, in state as well as in federal elections. A consistent line of decisions by this Court in cases involving attempts to deny or restrict the right has made that indelibly clear. (at 534).

The laws principally invoked in the actions which the Court referred to in Reynolds, are Amendment XIV, and laws enacted by the U. S. Congress pursuant to Section 5 of Amendment XIV--now Title 18 U.S.C. §241 and §242, 28 U.S.C. §1343, and similar laws which are available in civil proceedings.

One of the earliest actions which adjudicated elective franchise mandates which are

contained in Amendment XIV is reported in Ex Parte Yarbrough, 110 U.S. 657 (1883), where the Court said:

> If this government is anything more than a mere aggregation of delegated agents of other states and governments, each of which is superior to the general government, it must have the power to protect the elections on which its existance depends from violence and corruption.
>
> If it has not this power it is left helpless before the two great natural and historic enemies of all republics, open violence and insidious corruption.

As to state election statute law, the Supreme Courts provided protection for the elective franchise in U. S. v. Classic, 313 U.S. 299 (1940), where the Court stated:

> If the machinery of choice involves two elections, primary and general, rather than one, the right to participate in the choice must include both steps. (at 303). ... And...
>
> Unless the constitutional protection of the integrity of 'election extends' to primary elections, (the Court) is left powerless to effect constitutional purpose (at 319).

Similarly, in Lane v. Wilson, 307 U.S. 268, the Court declared various state election statute laws unconstitutional, saying:

> The reach of the...Amendment against contrivances by the state to twart equality in the enjoyment of the right to vote by citizens of the United States.. has been amply expounded by prior decision ...The Amendment nullifies sophisticated as well as simple-minded modes of discrimination. (at 275).

Where various individuals and government officers have conspired to deny U. S. citizens of their rights in elections, the Supreme Court has stated in Anderson v. U. S., 417 U.S. 211 (1973):

> (the offense was) the intent to have false votes cast in a federal election and thereby to injure the right of all voters in a federal election to express their choice of a candidate and to have their expressions of choice given full value and effect, without being diluted or distorted, by the casting of fraudulent ballots. (at 226).

In U. S. v. Mosley, 238 U.S. 383 (1915), the Supreme Court said the offense was:

> to injure and oppress certain legally qualified electors, citizens of the United States, in the free exercise and enjoyment of the right and privilege under the Constitution, of voting...

In Wesberry v. Saunders, 376 U. S. 1, (1963), the Federal Courts enunciated the principle of "one man-one vote". In a series

of cases following, the Courts stated that in elections in the United States, consideration is for people only, and not for classifications of people. The laws and commentary available on Amendment XII establish that "one man-one vote" is applicable law as to U. S. Presidential Elections.

Among other cases which are relevant and which support Petitioner's Complaint are Missouri v. Holland, 282 U.S. 416 (1919), where states were required to conform their statute laws to U. S. treaty agreements; and Fitzpatrick v. Bitzen, 427 U.S. 445, (1975) where the Supreme Court stated that Amendment XI is limited in its application in Federal Courts by Amendment XIV, and such laws as 28 U.S.C. §1343. Fitzpatrick is clearly applicable in the instant proceedings.

Consistency of decisions requires that the Writ of Certiorari be granted. All of the elements of conspiracy, and denials of rights which are contained in the cited cases are present in the instant proceeding.

When the Honorable Court enteres a judgment in these proceedings which conforms to all other Supreme Court decisions in cases where Amendment XIV is invoked, the Supreme Court will reverse the judgment of the lower court, and grant judgment in favor of Petitioner.

VII

CERTIORARI SHOULD BE GRANTED BECAUSE THE LOWER COURTS WERE IN ERROR FOR FAILING TO ADJUDICATE THE QUESTIONS HEREIN, OR BECAUSE THE LOWER COURTS CONCLUDED THAT THE CASE SHOULD BE HEARD AND DECIDED IN THE U. S. SUPREME COURT

The Court of Appeals failed to adjudicate the issues which were entered into the Court. The Court gave no consideration to denials of Constitutional rights, to the evidence which was entered into the Court, or to Constitutional mandates requiring a relief. Five briefs were entered into the Court of Appeals and a Motion to Affirm by an appellee state. Two of the Briefs were returned

when the Court entered judgment before the time for pleading was completed. The Motion to Affirm was unsupported by any grounds or by any constitutional law. Apparently the Court granted the Motion to Affirm without giving consideration to the other briefs filed. The Court either so far departed from the accepted and usual course of judicial proceedings as to enter erroneous judgment, or the Court concluded that the questions presented should be heard and decided in the U. S. Supreme Court.

Petitioner respectfully submits, that where the lower courts have determined that the issues and questions should be heard in the Supreme Court, and therefore have provided no adjudication of the issues and questions, the Supreme Court must adjudicate the issues, so as to fulfill the Constitutiona duty of the Federal Courts.

VIII

CERTIORARI SHOULD BE GRANTED TO CORRECT A CONDITION WHICH IS GRIEVOUSLY DAMAGING AND INJURIOUS TO U. S. CITIZENS, OUR NATION, AND THE NATIONS OF THE WORLD

Damage and injury of all types accrue to the Petitioner and to all U. S. citizens, to our nation, and to the nations of the world from the condition which results from the unconstitutional 1980 Presidential Elections, and as an intervening matter, elections in 1984. The damages and injuries are immediate and long term, they are social and economic, and they are national and international. Our national debt has increased by nearly 500 billion dollars; and our nation's international debts have increased by more than 100 billion dollars. High rates of interest deny many citizens of any effective participation in the life of our nation.

U. S. citizens are denied of any effective voice in international dialogues, and other nations are damaged and injured by lack of

participation by the great nations. Laws of other nations are denied more easily, when our own nation's laws are not executed and U. N. Charter agreements are not implemented.

CONCLUSION

WHEREFORE Petitioner respectfully prays that a writ of certiorari be granted, and that the proceedings follow an expedited schedule such as the Supreme Court provided in South Carolina v. Katzenbach, 382 U.S. 898 (1965), where similar issues were heard before the Supreme Court. Motion for such a schedule is filed herewith under separate cover.

Very respectfully,

Lowell M. Stroom

Lowell M. Stroom
for the Petitioner

123 S. 39th Street
Philadelphia
Pennsylvania

June 14, 1984

In the Supreme Court of the United States

OCTOBER TERM, 1983

No. _____

LOWELL M. STROOM,

Petitioner,

v.

JAMES E. CARTER, formerly President of the United States; WALTER F. MONDALE, formerly Vice-President of the United States; RONALD REAGAN, 1980 Presidential Candidate; GEORGE H. W. BUSH, 1980 Vice-Presidential Candidate; STROM THURMOND, President Pro Temp and principal officer of the U.S. Senate; THOMAS P. O'NEILL, Speaker of the U.S. House of Representatives; AMBASSADORS AND APPOINTED U.S. EXECUTIVE DEPARTMENT OFFICERS, unnamed; THE STATES OF ALABAMA, ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, and all other states F through W.

Respondents.

APPENDIX

APPENDIX I

(i.1) Copy of the order on appellant's Motion for Injunctive relief restraining appellees from participating in the 1984 Elections pending appeal of this action.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

LOWELL M. STROOM, Appellant : No. 83-1855

v. :

JAMES E. CARTER, et al. Appellees : (Filed: Feb. 8, 1984)

(E.D. Pa. Civ. No. 83-3144)

Present: ADAMS AND HIGGINBOTHAM, CIRCUIT JUDGES

The foregoing motion is denied.

By the Court,

(signed) ADAMS
Judge

Dated: February 8, 1984

(i.2) Copy of the order granting appellee State of Colorado's Motion to Affirm judgment of the District Court.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Lowell M. Stroom, Appellant : No. 83-1855

v. :

James E. Carter, et al. Appellees : (Filed: Feb. 27, 1984)

(E.D. Pa. Civil No. 83-3144)

Present: ADAMS, HIGGENBOTHAM, and SLOVITER, Circuit Judges.

The foregoing motion is granted.

By the Court,

(signed) ADAMS

Judge

Dated: February 27, 1984

(i.3) Copy of the order on appellant's petition for rehearing en banc.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 83-1855

LOWELL M. STROOM,
Appellant
v.
JAMES E. CARTER, etc. et al.

ON PETITION FOR REHEARING
EN BANC

Present: SEITZ, Chief Judge, ALDISERT, ADAMS, GIBBONS, HUNTER, WEIS, PARTH, HIGGINBOTHAM, SLOVITER, BECKER, Circuit Judges.

The petition for rehearing filed by Appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all other available circuit judges in the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for

rehearing by the Court in banc, the petition for rehearing is denied.

By the Court,

(signed) ADAMS

Circuit Judge

DATED: April 10, 1984

APPENDIX II

(ii.1) Copy of judgment in the District Court. This is one of two orders appealed to the U. S. Court of Appeals for the Third Circuit.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LOWELL M. STROOM	:	CIVIL ACTION NO. 83-3144
v.	:	
JAMES E. CARTER, et al	:	Filed Oct 20 1983

MEMORANDUM OPINION AND ORDER

VanARTSDALEN, J. October 20, 1983

Plaintiff, Lowell M. Stroom, filed this action pro se against various named members of the executive and legislative branches of the government, the first eight states listed alphabetically, as well as "all other states F through W." and unnamed ambassadors and appointed United States executive department officials.[1] The gravamen of plaintiff's complaint appears to be a challenge to the validity of the 1980 presidential election.

Plaintiff's complaint avers that he was a Presidential candidate in the 1980 primary and general presidential elections and in unspecified years prior thereto. Plaintiff also avers that "(t)he popularity of the (c)andidacy in every state had extended over years since at least 1975. This popularity established reasonable expectations for an election victory in the 1980 Presidential Elections given equal protection of the laws, and presidential elections which conformed to the laws of the Federal and State Constitutions, and the U. N. Charter." Plaintiff's Complaint at 3.

1/The plaintiff's complaint named as defendants: "JAMES E. CARTER, formerly President of the United States; WALTER F. MONDALE, formerly Vice-President of the United States; RONALD REAGAN, 1980 Presidential Candidate; GEORGE H. W. BUSH, 1980 Vice-Presidential Candidate; STROM THURMOND, President Pro Temp and principal Officer of the U. S. Senate; THOMAS P. O'NEILL, Speaker of the U. S. House of Representatives; AMBASSADORS AND APPOINTED U. S. EXECUTIVE DEPARTMENT OFFICERS, unnamed; THE STATES OF ALABAMA, ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, and all other states F through W." Plaintiff's Complaint at 1.

The heart of plaintiff's prolix complaint[2] is contained in paragraph 11:

> Every ballot cast in the 1980 Presidential Elections, and those which were not cast are adjudical evidence that the effect of all procedures and laws which were applied to the 1980 Presidential Elections were Elections which were grossly and severely abridged. The elections failed to provide for what is required of all elections in the United States--elections which achieve popular-universal-majority government.

Plaintiff's Complaint at 10. Plaintiff's primary contention that the 1980 election was invalid seems to stem from his allegation that the electoral college does not accurately represent the people of the United States. Plaintiff contends, inter alia, that due to some inequities in the electoral college the winner of the 1980 presidential election represented only 5 to 20 percent of the population.

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2 Plaintiff's complaint consists of 46 typed pages with a 14 page appendix. Also included were (1) an application for a three-judge panel and (2) a motion to expedite the proceedings.

Plaintiff's complaint also alleges that the then incumbent President, Jimmy Carter, was negligent in executing the Constitution and laws of the United States, and the laws of the several states. Plaintiff also challenges many state election laws. In particular, he avers that many state primary elections permit only those persons registered with a specific political party to participate. Therefore, plaintiff claims the right to vote has been "effectively usurped by political parties." Plaintiff's Complaint at 22.

As a result of the "gross abridgments" which his complaint alleges, plaintiff demands, inter alia, that this court declare the 1980 presidential and vice-presidential elections to be null and void. Plaintiff also includes in his prayer for relief a demand that this court order a "1983 Special Presidential Election". The relief sought includes a proposed

comprehensive plan for such an election that would be clearly unconstitutional.

With the exception of the United States Attorney's Office in the Eastern District of Pennsylvania, all named defendants were apparently served by certified mail. Plaintiff filed with the complaint an application for a three-judge panel pursuant to 28 U.S.C. § 2284 and a motion to expedite proceedings. By a memorandum and order dated August 19, 1983, this court denied the application for expedited proceedings and a three-judge panel, and later denied plaintiff's motion to vacate that order.

To date the States of Alabama, Arizona, Connecticut and Colorado have filed motions to dismiss. Plaintiff has had a default entered against the States of Alaska, Arkansas, California, Delaware and Colorado for failure timely to plead or otherwise answer.[3]

Upon motion by the federal defendants, this court issued an order granting said

defendants until September 19, 1983, to answer plaintiff's complaint. On September 19, 1983, plaintiff caused the Clerk of Court to enter a default against those defendants when no answer was filed. On September 21, 1983, the federal defendants[4] moved for leave to file out of time and simultaneously filed an alternative motion to dismiss or enter summary judgment. Plaintiff has moved for application of default judgment by the court. For the reasons hereinafter set forth, the defaults entered against various defendants will be vacated, leave to file out of time granted, the application for entry of default judgment denied and summary judgment granted in favor of all defendants against plaintiff Lowell M. Stroom.

[3] Plaintiff also filed motions to amend the complaint to include the governors of all fifty states and to have the action proceed in the name of the United States, such that the title would read "United States ex rel. Lowell M. Stroom v. James E. Carter, et al."

The federal defendants have moved this court alternatively for dismissal or summary judgment. In support of said motion, the government contends that plaintiff's action is barred by the doctrines of res judicata and/or collateral estoppel. The government alleges that plaintiff filed an action in the United States District Court for the District of Columbia which was dismissed with prejudice, and which is substantially the same as the present action. The government's point is well taken.

On September 11, 1981, plaintiff herein, Lowell M. Stroom, filed in the United States District Court for the District of Columbia an eighty-one page pro se "Petition for Relief (Negligence) and Court Orders in the 1981 General Elections". The sole named defendant was James E. Carter.[4]

[4] The federal defendants, who are represented by the U. S. Attorney's Office, are Carter, Mondale, Reagan, Bush, Thurmond and Unnamed Ambassadors and Executive Department Officers. Thomas P. O'Neill is represented by separate counsel who filed a motion to dismiss on his behalf.

Mr. Stroom averred that he was a candidate for the presidency in 1980 and that he had "reasonable expectations for election" given "election procedures which (were) consistent with Constitutional directives and intent."

By a memorandum opinion and order entered on December 28, 1981, Judge Green of the District of Columbia district, upon consideration of defendant's motion to dismiss, dismissed plaintiff's action.[5] Stroom v. Carter, No. 31-2192 (D.D.C. Dec. 28, 1981), aff'd, No. 82-114 (D.C. Cir. May 24, 1982), cert. denied, No. 82-1296 (Sup. Ct. Feb. 28, 1983)[6]. Judge Green's

[5] The federal defendants' counsel, the United States Attorney's Office, attached a certified copy of Civil Action No. 81-2192 with its motion. I have taken judicial notice of that proceeding.

[6] It also appears that plaintiff sought to file the present complaint with the United States Supreme Court, asserting that the United States Supreme Court should assert original jurisdiction (See motion to dismiss filed by State of Colorado). The motion for leave to file is apparently still pending before the United States Supreme Court.

opinion stated that plaintiff had failed to state a claim upon which relief could be granted under Federal Rule of Civil Procedure 12(b)(6).

The complaint in the District of Columbia action is as copious and quixotic as the complaint failed in this action. The substance of the two actions is basically the same. In both actions plaintiff alleges, inter alia: that the 1980 election did not provide the American people with the "unabridged" right to vote guaranteed by the Constitution; that the American people were not given an equal right to vote, as only 5 to 20 percent of the population elected the president; that Lowell M. Stroom's candidacy was not given an equal chance under election process; that political parties have no place in elections; that the electoral college, as it is now operating, does not represent the true popular majority; and, finally, both actions seek to have the 1980 election declared null and void

and a court ordered and monitored special national election.

At the outset, this court is well aware that pro se complaints are held "to less stringent standards than formal pleadings drafted by lawyers." Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam). It is with this standard in mind that the court has considered plaintiff's complaint.[7]

It is axiomatic that the doctrines of res judicata and collateral estoppel preclude a party from relitigating causes and issues which he has previously litigated. See Brown v. Felsen, 442 U.S. 127 (1979); Parklane Hosiery Co., Inc. v. Shore, 439 U.S. 322 (1979). The purposes of the

[7] While plaintiff's complaint is entitled to less stringent standards than pleadings by counsel in a technical procedural sense, i.e., pleading facts which may state a cause of action, plaintiff's pro se complaint is, and must be, governed by the same standards of law. Therefore, the doctrines of res judicata and collateral estoppel apply to a pro se complaint in the same manner as complaints drafted by counsel.

related doctrines are well-settled: they ensure the finality of judgments; encourage the reliance on judicial decisions; bar vexatious lawsuits and free the courts to resolve other disputes. Brown v. Felsen, 442 U.S. at 131.

Dismissal for failure to state a claim operates as a judgment on the merits within the literal language of Federal Rule of Civil Procedure 41(b). Teltronics Service, Inc. v. LM Ericsson Telecommunications, Inc., 486 F. Supp 836 (S.D.N.Y. 1980), aff'd, 642 F. 2d 31 (2d Cir. 1981), cert. denied, 452 U.S. 960 (1981). A judgment dismissing a complaint on a motion to dismiss for failure to state a claim upon which relief can be granted under the Federal Rules is presumptively on the merits unless the contrary appears of record or is stated in the decree. A judgment dismissing a complaint for failure to state a cause of action has the same effect of res judicata as a judgment for the defendant rendered after trial.

Ley v. Boron Oil Co., 454 F. Supp. 448, 450 n.2 (W.D. Pa. 1978) (citation omitted).

It is obvious that plaintiff's complaint involves the same cause of action and issues as the District of Columbia action. It arises from the same set of facts and, with few exceptions, alleges the same claimed deformities with the 1980 presidential election. In light of the applicable law, set out above, it is evident beyond the need for elaboration that plaintiff's action is barred by both res judicata and collateral estoppel.[8]

While I have decided that plaintiff's action is barred by the doctrines of res judicata and collateral estoppel, there are

[8] Plaintiff is barred by res judicata as to defendant Carter as he was a party to the first suit. The plaintiff is barred by collateral estoppel as to the remaining defendants, who are not parties defendant in the prior action. Use of collateral estoppel in this manner is, in the Supreme Court's terminology, "defensive." Defensive use occurs when a defendant seeks to prevent a plaintiff from asserting a claim the plaintiff has previously litigated and lost against another defendant. Parklane Hosiery Co., Inc., 439 U.S. at 326 n.4.

several other perceived difficulties with plaintiff's action. First, there is serious doubt as to whether this district court has or could acquire jurisdiction over any of the named defendants. Second, even under the new mailing rules for service of process, it is doubtful that service was properly effected by certified mail as to any defendant.

I am also of the opinion that this court lacks the jurisdictional authority to grant any of the relief sought by plaintiff Finally, as plaintiff has previously filed his complaint with the Supreme Court, and the Court has apparently not yet acted upon it, I doubt whether this court has jurisdiction to entertain plaintiff's action.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LOWELL M. STROOM : CIVIL ACTION

v. :

JAMES E. CARTER, et al. : NO. 83-3144

O R D E R

Upon consideration of the federal defendants' motion to dismiss or, in the alternative, for summary judgment and plaintiff's application for entry of default judgment, it is hereby Ordered and Decreed as follows:

1. The entries of default against defendants Alaska, Arkansas, California, Delaware, Colorado, Carter, Mondale, Reagan, Bush, O'Neill, Thurmond and Ambassadors and appointed U. S. Executive Department Officers, unnamed, are vacated;

2. The federal defendants' motion for leave to file out of time is granted as there is no prejudice to plaintiff;

3. Plaintiff's application for an entry of default judgment is denied;

4. Summary judgment is granted in

favor of all defendants and against plaintiff Lowell M. Stroom and judgment is entered in favor of all defendants against plaintiff Lowell M. Stroom in Civil Action No. 83-3144.

BY THE COURT,

DONALD VANARTSDALEN

October 20, 1983

(ii.2) Copy of the order of the District Court denying rehearing. This is the second of two orders appealed to the U. S. Court of Appeals.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LOWELL M. STROOM	:	CIVIL ACTION NO. 83-3144
v.	:	
JAMES E. CARTER, et al.	:	Filed Nov 7 1983

O R D E R

WHEREAS, by memorandum opinion and order filed October 20, 1983, judgment was entered in favor of the defendants and against the plaintiff: and

WHEREAS, plaintiff on October 31, 1983, filed three separate documents entitled as follows: (1) Motion for Amendment of the 'Memorandum Opinion and Order' and Judgment which was Entered October 20, 1983; (2) Application for Leave to File Reply to the State of Colorado's Motion to Dismiss; and (3) Motion for a Rehearing in the Above Entitled Action -- Rule 59(a) FRCP; upon

consideration of said documents, it is

Ordered that all said motions are denied and dismissed and that any and all relief sought by such motions and documents is denied and the judgment heretofore entered in favor of all defendants and against the plaintiff shall remain as entered on October 20, 1983.

BY THE COURT:

DONALD W. VANARTSDALEN

_____ J.

November 4, 1983

APPENDIX III

(iii.1) A copy of the decree sought to be reviewed in the Supreme Court. The order grants appellee State of Colorado's motion to affirm the judgment in District Court.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 83-1855

LOWELL STROOM, Appellant

vs.

JAMES E. CARTER, et al.
(E.D.Pa. Civil No. 83-3144)

Present: ADAMS, HIGGINBOTHAM, and SLOVITER, Circuit Judges.

The foregoing Motion is granted.

By the Court,

ADAMS (signed)
Judge

Dated: February 27, 1984

(iii.2) A copy of the order on appellant's petition for a rehearing.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 83-1855

LOWELL M. STROOM,
Appellant

v.

JAMES E. CARTER, etc. et al.

ON PETITION FOR REHEARING EN BANC

Present: SEITZ, Chief Judge, ALDISERT, ADAMS, GIBBONS, HUNTER, WEIS, GARTH, HIGGINBOTHAM, SLOVITER, BECKER, Circuit Judges.

The petition for rehearing filed by Appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all other available circuit judges in the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted in favor of rehearing by the Court in banc, the petition for rehearing is denied.

By the Court,

ADAMS (signed)

Circuit Judge

DATED: April 10, 1984

APPENDIX IV

(iv.1) EXHIBIT 1 IN EVIDENCE

Statements from the Constitutional Convention in 1787 on 'intermediate' Presidential Elections as contained in Article II. Source: Records of the Federal Convention of 1787; Max Farrand, Editor

Statement 'A' by Mr. Randolph

MADISON

Friday Sepr. 7. 1787. In Convention

The mode of constituting the Executive being resumed, Mr- Randolph moved ⟨to insert in the first Section of the report made yesterday⟩'

"The Legislature may declare by law what officer of the U. S— shall act as President in case of the death, resignation, or disability of the President and Vice-President; and such officer shall act accordingly until the time of electing a President shall arrive."

Statement 'B' by Mr. Madison

Mr. Madison observed that this, as worded, would prevent a supply of the vacancy by an intermediate election of the President, and moved to substitute — "until such disability be removed, or a President shall be elected —" * Mr. Governr. Morris 2ded. the motion, which was agreed to.

Statement 'C' from the Proceedings

626 RECORDS OF THE FEDERAL CONVENTION

Saturday MADISON *September 15*

Art II. sect. 1. (paragraph 6) "or the period for chusing another president arrive" was changed into "or a President (shall) be elected" comformably to a vote of the day of

The Provisions of Article II, Section 1, Paragraph 6, Clause 5 of the U. S. Constitution, as ratified.

RECORDS OF THE FEDERAL CONVENTION 659

THE CONSTITUTION

and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

(iv.2) EXHIBIT 2 IN EVIDENCE

Evidence in commentaries of the authors of the U. S. Constitution: "The Farewell to Congress Address" by George Washington in 1789. The 'Farewell' has been read in every session of Congress since 1796, the only authority so honored.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographic discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

X X X

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself

a frightful despotism--But this leads at length to a more formal and permanent despotism...

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection...

X X X

But is thos (governments) of the popular character, in governments purely elective, it (party) is a spirit not to be encouraged.

(iv.3) EXHIBIT 3 IN EVIDENCE

A survey of commentary by authors of the U. S. Constitution and their contemporaries: John Adams' "Inaugural Address", March 4, 1797, is supportive of Washington's "Farewell"

In the midst of these pleasing ideas we should be unfaithful to ourselves if we should ever lose sight of the danger to our liberties if anything partial or extraneous should infect the purity of our free, fair, virtuous, and independent elections. If an election is to be determined by a majority of a single vote, and that can be procured by a party through artifice and corruption, the Government may be the choice of a party for its own ends, not of the nation for the national good. (Source: Inaugural Addressof of the Presidents of the United States; U. S. Printing Office.

(iv.4) EXHIBIT 4 IN EVIDENCE

Evidence in commentaries by the authors of the U. S. Constitution: The U. S. Congressional deliberations on Amendment XII in 1803. The deliberations clearly establish the rights of the People in Presidential Elections. Source: Annals of Congress, supra

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Statement 'A' by Senator John Taylor, at 99:

On the rights of People.

No man be believed who advocated the amendment would submit to a classification of States any more than a classification of men, or the establishment of patrician and plebeian orders.

Because experience teaches us to avoid the danger of diets, which are always exposed to intrigue and corruption.

One or two elections by a diet would repay the small States—with what? with monarchy. Elections by diets always lead to monarchy. It is for this reason, then, that we wish to keep the elections where they should be, in the hands of the people, where, from very obvious cause, neither intrigue nor corruption can operate.

Statement 'B' by Senator Wilson Nicholas,

at 103. Legal Concepts in Elections.

But the same men, in their civil capacity as citizens, are upon complete terms of equality, possessing equal rights and power, as in the right of suffrage, and in the sight of the law, they are equally *units* in the mass of society.

A reason equally forcible with him was, that, by taking the number three instead of five, you place the choice with more certainty in the people at large, and render the choice more consonant to their wishes. With him, also, it was a most powerful reason for preferring three, that it would render the Chief Magistrate dependent only on the people at large, and independent of any party or any State interest. The people hold the sovereign power, and it was intended by the Constitution that they should have the election of the Chief Magistrate.

Statement 'C' by Senator Jackson, at 114.

On the rights of the People.

He preferred the number three, for several serious reasons; he wished to prevent the choice from devolving upon the House of Representatives; he wished it to be out of their power, if it should devolve upon them, to elect any man not evidently intended by the people;

He preferred the number three in the amendment, as it brought the election two degrees nearer to the people; because a Constitution was not intended for the convenience of the servants, but for the use of the Sovereign—the people.

Statement 'D' by Senator John Taylor, at 115.

On the Electoral College.

Would the election by a Diet be preferable or safer than the choice by Electors in various places so remote as to be out of the scope of each other's influence, and so numerous as not to be accessible by corruption? It is true, that the number three has a greater tendency to give the choice to the people; it cannot be true that the small States would wish to place it in the House of Representatives, because three would give the people the choice; and, even if they did wish to take the choice out of the hands of the people, it ought to be opposed, because it is contrary to the spirit and intent of the Constitution.

The division of election is one of the soundest principles of the Constitution; elections are more free and less liable to passion and corruption in the state of division; for experience has shown that elections, any more than Executive powers, cannot be so well effected by accumulative bodies. Your Constitution directs elections in States, not assembled in one place. And why? To prevent the evils to which Diets or Legislative bodies are exposed. Does not three, then, adhere infinitely more to the leading principle of your Constitution, by placing it in the power of the numerous election districts, and keeping out of the reach of the numerous or accumulated body the choice? Is it not necessary to guard, by every means, against what has proved fatal to so many Republics?

Statement 'E' by Senator Samuel Smith, at 88.

Rights of the People.

He had moved for the insertion of three instead of five, with this precise and special intention, that the people themselves should have the power of electing the President and Vice President; and that intrigues should be thereby forever frustrated. The intention of the Convention was that the election of the chief officers of the Government should come as immediately from the people as was practicable,

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Statement 'F' by Senator John Taylor, at 188.

On political parties.

Finally, Mr. President, this amendment receives my approbation and support, because I think it conformable to public opinion, evidently the special recommendation of sundry States, and the concurrence of a great majority of the representatives of the people in the other House;

and because it was the intention of the Constitution that the election of a President and Vice President should be determined, by a fair expression of the public will by a majority, and not that this intention should be defeated by the subsequent occurrence of a state of parties, neither foreseen nor contemplated by the Constitution or those who made it.

Statement 'G' by Senator Robert Wright, at 202. Rights of the People.

He had thought the number five would equally answer the purpose of election. Arguments had convinced him that three would be still more safe; because it would give the greater certainty of a choice by the people. And was there a man in that House who would dare to say that the people ought not to have the man of their choice?

Statement 'H' by Rep. James Elliott, at 686. Rights of the People.

I believe it important to all the members of the Union that the process of election should be simple and pure, and that the President should be elected by a fair expression of the public sentiment

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Statement 'I' by Rep. Ceasar Rodney, at 680. On unlimited Presidential Candidacies.

As the Constitution now stands, it says, if no person have a majority, the House shall choose by States from the five highest. A case might occur where six of the candidates would have equal votes.

Statement 'J' by Rep. Campbell at 719, 721.

On Majority Government

Whenever, therefore, the intentions of the people in framing their Government can be ascertained, I conceive it the duty of those who administer the Government to pursue those intentions as nearly as possible. I have always considered it to be the intention of the framers of the Constitution, and the true spirit of that instrument, that the Chief Magistrate shall be chosen by the people, through their Electors, and not by the States represented in this House;

I am, sir, of opinion the voice of the minority should be expressed, and fairly heard in Government, and that it should have its due weight consistent with the principles on which that Government is founded; but I am not willing that the minority should rule the nation, or have it in their power to defeat the will of the majority, as I conceive this would sap the very foundation of our Government;

(iv.5) EXHIBIT 5 IN EVIDENCE

A survey of State Election Laws. See page ix for a listing of election law which is contained in the constitutions of the fifty states.

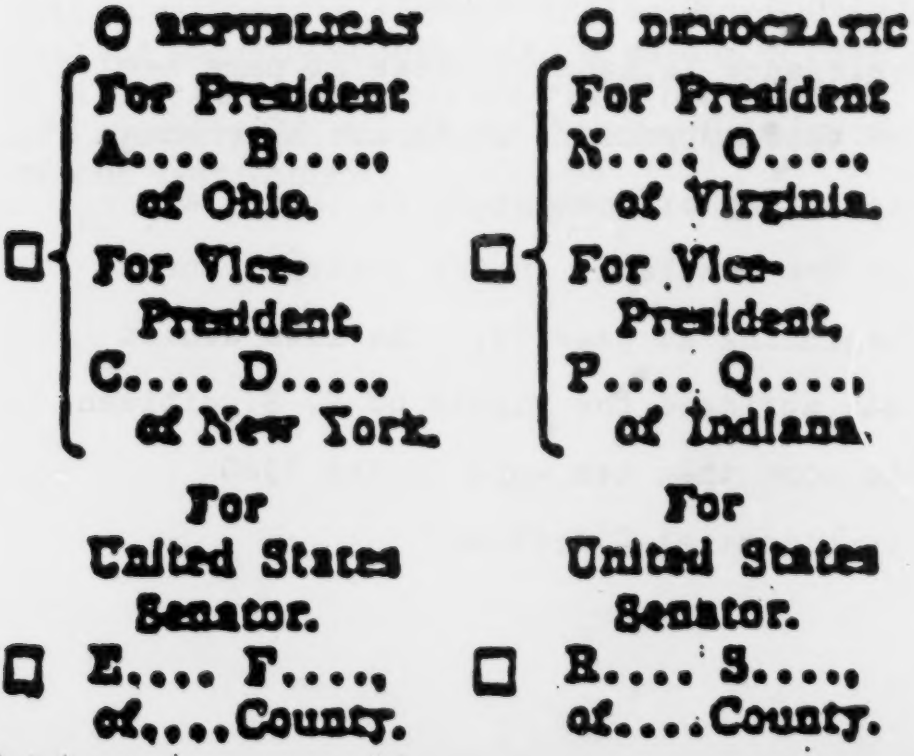
(iv.6) EXHIBIT 6 IN EVIDENCE

A survey of State Election Laws. See page xii herein for a listing of state election statute laws contained in the codes of the fifty states. Further reference is made to these at page A-40 of this Appendix. There are more than ten pages of commentary on these laws in the Complaint in the District Court, beginning at page 13. The laws denied and abridged the rights of U. S. citizens in more than ten ways in the 1980 Presidential Elections.

(iv,7) EXHIBIT 8 IN EVIDENCE

Evidence in a survey of State Election Statute Law: ballot design required by Title IV, Iowa Code, Section 49.42. The law and design are inequitable, requiring provision for 'straight ticket' voting.

49.42 Form of official ballot



(iv.8) EXHIBIT 9 IN EVIDENCE

Commentary on U. S. Treaty agreements: The U. N. Charter, U. S. Congressional deliberations on ratification. Source: 91 Cong. Rec; July 28, 1945, at 6983 et seq.

Ratification deliberations emphasized judicial protection for international laws, so as to preserve and achieve peace among the nations; and the deliberations further emphasized human rights. All state statute law must conform to U. S. treaty agreements pursuant to Article VI of the U. S. Constitution. The U. N. Charter requires genuine elections which provide for universal and equal sufferage.

Statement 'A' by Senator Vandenberg, at 6981-3, Justice, International Law.

Mr. President, I have signed the San Francisco Charter. I believe it represents a great, forward step toward the international understanding and cooperation and

fellowship which are indispensable to peace, progress, and security.

I shall support the ratification of this charter with all the resources at my command. I shall do this in the deep conviction that the alternative is physical and moral chaos in many weary places of the earth. I shall do it because there must be no default in our oft-pledged purpose to outlaw aggression so far as lied within our human power. I shall do it because this plan, regardless of infirmities, holds great promise that the United Nations may collaborate for peace as effectively as they have made common cause for war. I shall do it because peace must not be cheated out of its only collective chance.

X X X

As a result of the San Franchisco Conference, Dunbarton Oaks has been given a new soul. As originally drawn, it avoided any reference to justice--without which

there can be no stable peace. San Francisco's Charter fills that void. The charter names justice as the prime criterion of peace. It repeatedly dedicates itself to human rights and fundamental freedoms.

Statement 'B' by President Truman, at 6980.

On an International Bill of Rights.

Under this document we have good reason to expect the framing of an international bill of rights, acceptable to all the nations involved. That bill of rights will be as much a part of international life as our own bill of rights is a part of our Constitution...

X X X

With this charter the world can begin to look forward to the time when all worthy human beings may be permitted to live decently as free people.

(iv.9) EXHIBIT 8 IN EVIDENCE

Evidence contained in a survey of State Election Statute Law: Extracts from the 'Complaint' at pages 13 through 23.

15.2 In 1980, inferior state statute law required that organizations of People which present nominations for office shall be organized pursuant to state statute law.[3] The Supreme Court ruled in Reynolds v. Sims, supra, that any classification of people which has for its intent or effect, the restricting of rights of the People, offends the Federal Constitution. There is no evidence that unique organizational forms, or classifications of people, achieve more effective nominations, or that other benefits accrue to the People. The evidence in 1980 supports statements to the contrary, when a majority of the People were disenfranchised.

[3] Ala Code Ann, Title 17, 17-16-9. Ariz Code Ann, Title 16, Art 2, 16-23 et seq. Ark Code Ann, Title 3, 3-101(b). Cal Elec Code Ann, Div. 7. Title 1, Colo R. S. Art 3. Conn G. S. Ann, 9-174.

No unique wisdom is contained within the organizational classifications which are required by statute law. Other forms of organizations are equally or better able to provide Presidential and Vice-Presidential nominations.

15.3. State statute laws require that members of political parties shall supervise the elections of others.[4] The laws deprive citizens who are not affiliated with political parties of an equal right to officiate in elections. The laws establish inequities and devalue the ballots of some by inferring a greater right of some in elections than others. The laws establish incentives, under color of law, for affiliating in parties, and infer a greater right for some to be elected.

15.4. State statute law in many states

4. Ala Code Ann. Title 17, 17-6-6. Ariz Code Ann, Title 16, 16-771(A). Ark Code Ann, Title 3, 3-516(d). Cal Elec Code Ann, 1639. Title 1, Colo R. S. 1-5-101 et seq. Del Code Ann. Title 15, 1501, 4701.

prohibits a citizen who is affiliated with one political party from supporting the Candidacy of any person who is not affiliated with that party.[5] Such laws restrict the sovereignty of the People in a way that is prohibited by both Federal and State Constitutions. The laws deprive the right of freedom of choice, have the effect of restricting nominations, and unconstitutionally give consideration in election procedures to concerns other than to people.

15.5. The design of ballots which is required in many state statute laws creates inequities and abridged the 1980 Presidential elections. The designs required overvalued the rights of citizens affiliated in political parties, and infer a unique right to be elected, under the authority and color of law. ...

5. Ariz Code Ann, Title 16, 16-601(c). Cal Elec Code Ann, 6024, 6834, 6838. Title 1, Colo R. S. 1-4-603(3)(5), 1-4-801(i). Conn G. S. Ann, 9-402.

(iv.10) EXHIBIT 10 IN EVIDENCE

Evidence contained in a Canvass of All Ballots Cast in the 1980 Presidential Elections, and of Those Eligible Voters Casting No Ballot That Was Counted: From the 'Complaint' at pages 10 through 13.

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11. Every ballot cast in the 1980 Presidential Elections, and those which were not cast are adjudical evidence that the effect of all procedures and laws which were applied to the 1980 Presidential Elections were Elections which were grossly and severely abridged. The elections failed to provide for what is required of all elections in the United States--elections which achieve popular-universal-majority government.

11.1 Exhibit A, appended hereto at A-7 and A-8, contains a canvass of the 1980 Election results. In 1980, 538 Presidential Electoral College votes were authorized, with 270 Electoral College votes

required to elect a President and Vice-President. In 16 states with more than 200 Electoral votes, a majority of all citizens 18 years and older--more than 50 percent---cast no ballot that was counted in the 1980 Presidential Elections. (Column g). In 24 states with 300 Electoral votes, 45 percent or more of all citizens 18 years and older cast no votes that were counted. In 43 states with nearly 500 Electoral College votes, the number of persons who cast no ballots which were counted exceeds the number of persons who cast a ballot for the leading candidate who was listed on the ballot.

11.2. In seven (7) states with precisely 40 Electoral College votes, citizens who voted for the leading candidate who was listed on the ballot were the majority group in the state. This 40 Electoral College votes represents seven (7) percent of the citizens who were eligible to cast ballots

in the United States in 1980. The remaining 93 percent of the citizens are severely deprived of their right to elections which are unabridged, and which achieve popular-majority government.

11.3. In 1980 Presidential Primary Elections, Column (d) of Exhibit A, only 18 percent of all eligible citizens cast ballots that were counted. Of these, six (6) percent of the eligible voters cast preferential votes in Republican primaries, and 12 percent cast ballots in Democratic Party primaries. State statute law required that not all of these were binding on decisions which were made by political parties.

11.4. Fourteen states with 96 Electoral votes had no preferential primaries. In 16 primary states with 202 Electoral votes, fewer than 20 percent of the eligible voters cast ballots which were counted. (In nine states with 81 Electoral votes, fewer than 10 percent...cast ballots). ...

(iv.11) **EXHIBIT 10**
Evidence Contained in a Canvass of All Ballots Cast in 1980, and Those Persons Casting No Ballot That Was Counted.

(a) State	(b) Electoral Votes of State in 1980	(c) Persons 18 Years and Older by State in 1980 (in 000's) (U. S. Census, 1980)	(d) Primary Votes Cast by State in 1980 Presidential Elections. (in 000's) (Congressional Quarterly)	(e) Percent of Persons 18 Years and Older Who Voted in State Primary. d/c	(f) Number of Votes Cast by State in 1980 General Elections. (in 000's) Congressional Quarterly	(g) Percent of Persons 18 Years and Older Who Voted in 1980 General Election by State. (f/c)	(h) Number of Persons 18 years and Older Who Cast No Ballot That Was Counted in 1980 General Election (000's)	(i) Largest Number of Votes Cast for A Presidential Candidate by States in 1980 (in 000's)	(j) Votes Cast for Leading Candidate in State as Percent of Those Who Cast no Vote
Alab.	9	2,732	449	16.4	1,342	49.0	1,390	654	47.0
Alas.	3	271	none	--	158	58.4	113	86	76.0
Ariz.	6	1,927	none	--	874	45.5	1,053	530	50.3

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
Arka.	6	1,615	543	33.7	838	51.2	777	403	51.9
Cali.	45	7,279	5,929	34.3	8,587	49.7	8,692	4,525	52.1
Colo.	7	2,081	none	--	1,184	56.8	897	652	72.7
Conn.	8	2,285	392	17.2	1,406	61.6	878	652	72.7
Dela.	3	428	none	--	236	55.1	192	111	57.9
Flor.	17	7,387	1,703	23.1	3,687	49.9	3,700	2,047	55.3
Geoa.	12	3,817	585	15.3	1,597	41.9	2,220	891	40.1
Hawa.	4	689	none	--	304	44.1	385	136	35.3
Idah.	4	637	185	29.1	437	68.8	200	291	145.5
Illi.	26	8,183	2,331	28.5	4,750	58.0	3,434	2,358	68.7
Indi.	13	3,872	1,158	29.9	2,242	57.9	1,630	1,256	77.1
Iowa	8	2,088	none	--	1,318	63.7	770	676	87.8

(Sources: 1980 U. S. Census,
Congressional Quarterly, Spring, 1981

Exhibit 10, Continued.

(a) State	Kans.	Kent.	Loui.
(b) Electoral Votes of State in 1980	7	9	10
(c) Persons 18 Years and Older by State in 1980 (in 000's) (U. S. Census, 1980)	1,715	2,587	2,875
(d) Primary Votes Cast by State in 1980 Presidential Elections. (in 000's) (Congressional Quarterly)	479	335	395
(e) Percent of Persons 18 Years and Older Who Voted in State Primary. (d/c)	28.0	13.0	13.8
(f) Number of Votes Cast by State in 1980 General Elections. (in 000's) (Congressional Quarterly)	980	1,295	1,549
(g) Percent of Persons 18 Years and Older Who Voted in 1980 General Election by State. (f/c)	57.1	50.3	60.1
(h) Number of Persons 18 Years and Older Who Cast No Ballot That Was Counted in 1980 General Election (000's)	735	1,283	1,327
(i) Largest Number of Votes Cast for a Presidential Candidate by States in 1980 (in 000's)	567	635	793
(j) Votes Cast for Leading Candidate in State as Percent of Those Who Cast no Vote	77.1	49.5	59.6

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
Maine	4	803	none	--	523	65.1	280	239	85.1
Mary.	10	3,049	1,308	21.1	1,540	50.5	1,509	716	48.1
Mass.	14	4,247	1,374	30.8	2,524	59.4	1,722	1,058	61.4
Mich.	21	6,510	674	10.3	3,910	60.1	2,600	1,915	73.7
Minn.	10	2,904	none	--	2,052	70.7	852	954	112.0
Miss.	7	1,705	26	1.5	893	52.3	814	441	54.2
Miso.	12	3,554	none	--	2,100	59.1	1,452	1,074	74.0
Mont.	4	555	209	38.7	364	65.6	192	207	107.8
Nebr.	5	1,123	359	32.0	641	57.1	482	420	87.2
Neva.	3	585	114	19.6	248	42.3	337	155	46.0
NHam.	4	663	259	39.1	384	58.0	279	222	79.6
NJer.	17	5,374	839	15.6	2,976	59.5	2,398	1,547	64.5

(iv.12) EXHIBIT 11 IN EVIDENCE

Evidence Contained in a Survey of Federal Court Decisions Involving Cases Which Invoke Amendment XIV and the Elective Franchise: Reynolds v. State Election Board, 233 F. Supp. 323. Equitable relief with Writs of Election and Mandamus.

We...declare all legislative offices of the Oklahoma Legislature vacant as of the fifteenth day after the general election in November, 1964, and subject to special elections under 26 O.S. §541-545, inclusive. It thus becomes the statutory duty of the Governor to call special elections as provided by 26 O.S. §541-545, inclusive. The special elections will be conducted for the purpose of nominating candidates for the offices of the Senate and House of Representatives from the districts designated and delineated in the revised order of reapportionment hereinafter set forth. It is the obligation of the State Election

and those acting under its authority and direction, to conduct elections as herein provided...

The Election Board of the State of Oklahoma, and all those acting by and under its authority, are hereby ordered and directed to accept filings and conduct elections, only in accordance with the provisions of the revised order of reapportionment, and in conformity with the special election statutes of the State of Oklahoma where no inconsistent herewith...

The offices of all senators and representatives are hereby declared to be vacant as of the fifteenth day after the general election in November, 1964. The primary and run-off elections conducted in May, 1964, for nominations for the offices of senators and representatives from districts which do not strictly conform to the districts provided herein are hereby declared to be null and void...

(iv.13) EXHIBIT 12 IN EVIDENCE

Evidence in Federal Cases Involving the Elective Franchise and Amendment XIV: Baker v. Carr, 360 U. S. 186. Relief advocated by the United States in an 'amicus curiae' brief.

In the Supreme Court of the United States

OCTOBER TERM, 1961

No. 6

CHARLES W. BAKER, ET AL., APPELLANTS

v.

JOE C. CARR, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

BRIEF FOR THE UNITED STATES AS AMICUS CURIAE ON REARGUMENT

* * *

at 10

1. This Court has repeatedly invalidated discriminations against a class of voters based on race. The prohibitions of the Fourteenth Amendment are not

EXHIBIT 12. Continued

confined to discriminations based on race, but extend to arbitrary and capricious action against other groups.

* * *

2. The merits of a challenge to the constitutionality of a legislative apportionment under the Fourteenth Amendment are amenable to reasoned analysis and judicial determination.

* * *

at 16

The exercise of sound equitable discretion requires the federal courts to retain jurisdiction and adjudicate the merits of the present controversy.

* * *

2. The seriousness of the wrong calls for judicial action. It is only a slight exaggeration to say that one-third of the voters of Tennessee rule the other two-thirds in the enactment of legislation.

3. The complainants have no judicial remedy outside of the federal courts because they have exhausted their remedies in the State courts.

* * *

at 17

This case involves the most basic right in a democracy, the right to fair representation in one's own government.

EXHIBIT 12. Continued

* * *

at 18

This discrimination, * * *

has at least two consequences. *First,* these voters are deprived of the fundamental ght to share fairly in choosing their own governr

* * *

at 21

THE COMPLAINT SUFFICIENTLY ALLEGES A VIOLATION OF COMPLAINANTS' RIGHTS UNDER THE FOURTEENTH AMENDMENT TO BE WITHIN THE JURISDICTION OF THE DISTRICT COURT

* * *

1. *The right to be free from gross discrimination in the selection of a State legislature is a federal right protected by the Fourteenth Amendment.*

* * *

at 25

Certainly, the right to have a fair share in the choosing of one's own government is "of the very essence of a scheme of ordered liberty" and is a fundamental principle of liberty and justice lying "at the base of all our civil and political institutions."

* * *

2. *The merits of a challenge to the constitutionality of a legislative apportionment under the Fourteenth Amendment are amenable to reasoned analysis and judicial determination.*

EXHIBIT 12. Continued

* * *

at 35

Arbitrary regulation of the right to vote, even more than restrictions upon freedom of communication, destroys the essential pre-conditions of alert democracy. Those who are denied the right to vote or who are grossly under-represented cannot protect their franchise by voting. There is, therefore, a special reason for the courts to exert all the power they possess for the vindication of these constitutional rights.

* * *

at 36

3. The need for constitutional protection is urgent because malapportionment of State legislatures is subverting responsible State and local government.

(iv.13.1) EXHIBIT 12.1 IN EVIDENCE

Evidence in Federal Cases Involving the Elective Franchise and Amendment XIV:

South Carolina v. Katzenbach, 383 U.S. 898

In this case involving similar issues to that in the instant proceedings, the Supreme Court ordered expedited proceedings.

No. 22, Original. SOUTH CAROLINA *v.* KATZENBACH, ATTORNEY GENERAL OF THE UNITED STATES. The motion for leave to file a bill of complaint is granted. The defendant shall file his answer on or before November 20, 1965. The plaintiff shall file its brief on the merits on or before December 20, 1965. The defendant shall file his brief on the merits on or before January 5, 1966. The case is set for oral argument on Monday, January 17, 1966. Any State may submit a brief, *amicus curiae*, on or before December 20, 1965, and any such State desiring to participate in the oral argument, as *amicus curiae*, shall file with the Clerk of the Court a request for permission to do so on or before December 20, 1965.

(iv.14)
Excerpt from the Complaint in the District Court where the remedy demanded is discussed. The remedy is discussed in the Complaint at pages 32 through 46.

1.6. The election procedures of the '1983 Presidential Special Election' (or intermediate election) shall conform in every way to the following Federal Constitutional mandates: (.1) The unconditional right of the People, the sovereigns, to elect the President and Vice-President of the United States. (U. S. Const., Amend XII). (.2) The right of every citizen to elections which are unabridged "in any way". (U. S. Const. amend. XIV). (.3) The right to elections which achieve popular-majority government. (.4) The right of the People to government which conforms to that which is established by the People in the laws of the Constitution. (.5) The right of citizens to an

equally effective voice for every citizen in the election of a President and a Vice-President. (U. S. Const., amend. XII). (.6) The right of citizens to cast separate ballots for each of the offices of President and Vice-President. (.7) The right of U. S. citizens to only that membership in an Electoral College which is representative of the preferences of the People. (.8) The right of U. S. citizens to a ballot of equal value. (.9) The right of every candidate to an equal right to be elected, and to equal protection of the laws...

Election Officers.

1.7.1. Elections for the Offices of President and Vice-President of the United States are the only U. S. elections which are entirely national elections. This order shall seek to provide uniform application of the laws of the U. S. Constitution, which is consistant with achieving equitable results in entirely national elections.

The Office of the President Pro Temp of the U. S. Senate (Acting President) shall issue and receive various materials which are prescribed by this Order in the manner which is required by Article II and Amendment XII where Presidential Election materials are concerned....

1.7.3. The Governor, Lt. Governor, Secretary of State, or other elected official, or appointed chief officer, shall be the chief election officer in each State. All other election officers, except those who are elected to office such as County Clerks, shall be selected at random from lists of registered voters. These officers shall include Precinct officers, and special County election officers where they are not otherwise elected.

1.7.4. The Election Officers thus designated shall receive the instruction which is required and provided pursuant to the Election Codes of the State. Alternat election officers shall be selected similarily....

(iv.15) FURTHER COMMENTARY ON THE REMEDY

The plan for elections which is contained in the remedy, provides for an effective and an equitable voice for all eligible voters in the nominating procedures. (See U. S. v. Classic, supra). The plan recognizes that there are many national organizations which are equally capable of presenting nominations for the offices of President and Vice-President of the United States. These organizations are representative of a diversity of interests of all U. S. citizens. The organizations participate in a 'call for nominations'. The suggested organizations are as follows:

1. The Philosophical Society
2. The National Association of Manufacturers
3. The Rotary Club
4. The League of Women Voters
5. The Sierra Club.....
10. The U. S. Chamber of Commerce
11. The American Medical Association

12. The National Grange
13. The United Steelworkers of America
14. American Association for the Advancement of Science.....
18. National League of Cities
19. The Republican Party
20. The American Bar Association
21. National Parks and Conservation Association.....
24. The Libertarian Party
25. The American Civil Liberties Union
26. The National Air Transportation Association
27. The Democratic Party
28. The National Council of Community World Affairs Organizations
29. The International Bankers Association
30. The Congress for Racial Equality
31. The Consumer Party
32. The Kiwanis Club
33. The Association of American Universities

Affidavit of Service

State of Pennsylvania

County of Philadelphia

Lowell M. Stroom, Petitioner above named certifies that all persons required to be served in these proceedings are served pursuant to rules 28.4 of the Rules of the U. S. Supreme Court on the date of filing in the U. S. Supreme Court.

I

Service of three copies of the 'Petition for Writ of Certiorari' is made on the Solicitor General of the United States, U. S. Department of Justice, Washington, D. C. 20530, pursuant to Rule 28.4(a), by handing three copies of the 'Petition' with Appendix to a person who is authorized to accept same.

II

Service of three copies of the 'Petition/Appendix' is made pursuant to Rule 28.4(a) to Senator Strom Thurmond,

President Pro Temp, U. S. Senate, 218 Senate Russell Office Building, Washington, D. C. 20510, and to Rep./Speaker Thomas P. O'Neill, Room H-204, U. S. Capitol, Washington, D. C., 20515, by handing the 'Petition' to persons who are authorized to receive the same, all pursuant to Rule 28.4(a).

III

Service of three copies of the 'Petition' with Appendix is made pursuant to Rule 28.4(a) by first class pre-paid U. S. Mail to each of the following:

1) James E. Carter, Plains, Georgia, 31780

2) Walter F. Mondale, 3421 Lowell St. N.W. Washington, D. C. 20016

3) Ronald Reagan, 1600 Pennsylvania Ave. N. W., Washington, D. C. 20500

4) George H. W. Bush, 1600 Pennsylvania Avenue, N. W. Washington, D. C. 20500

IV

Further service on Ambassadors and U. S. Executive Department Officers, unnamed, is made by handing three copies to persons in the Solicitor General's Office as described

in the paragraph numbered I above.

V

Pursuant to Rule 28.4(c), three copies of the same 'Petition' with appendix are served by pre-paid first class, U. S. Mail, to the Attorney General of each of the States named in the title of this proceeding. Service is made as follows:

1) State of Alabama; Office of the Attorney General of Alabama; Mr. Charles A. Graddick; 250 Administrative Building; Montgomery, Alabama 36130

2) State of Alaska; Office of the Attorney General of Alaska; Mr. Wilson Condon; Department of Law; 40 State Capitol; 120 4th St.; Pouch K; Juneau, Alaska 99811

3) State of Arizona; Office of the Attorney General of Arizona; Mr. Robert Corbin 1275 W. Washington Street; Phoenix, Arizona 85007

4) State of Arkansas; Office of the Attorney General; State Capitol; Little Rock; Arkansas 72201

5) State of California; Office of the Attorney General; Mr. John van de Kamp; Department of Justice; 555 Capitol Mall; Ste 350; Sacramento, California 95814

6) State of Colorado; Office of the Attorney General; Mr. Duane Woodward; State Services Building; 1525 Sherman Street; Denver, Colorado 80203

7) State of Connecticut; Office of the Attorney General; Mr. Joseph I. Liebermann; 30 Trinity Street; Hartford, Connecticut 06106

8) State of Delaware; Office of the Attorney General; Mr. Charles Oberly; Department of Justice; Elbert N. Carver State Office Building; 820 N. French Street; Wilmington, Delaware 19801

VI

Service of three copies by pre-paid U. S. Mail is also made to the Office of the U. S. Attorney, 3310 U. S. Courthouse, 610 Market Street, Philadelphia, Pennsylvania 19106.

BY

Lowell M. Stroom
123 S. 39th Street
Philadelphia
Pennsylvania 19104

Dated: June 19, 1984

Sworn to before me this 19th day of June. 1984

BY

SHIRLEY BERG
Notary Public, Phila., Phila. Co
My Commission Expires April 22, 1988